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THE PAINTINGS OF THE METROPOLITAN MUSEUM

WILLARD HUNTINGTON WRIGHT

PREJUDICIAL complacency has always been one of the most corrupting and disintegrating factors of a national existence. The citizens of a country, being constantly assured of the solidity and comprehensiveness of its institutions, come in time to accept such assurances as incontrovertible facts. A prejudice, carefully nurtured by those in authority, takes root in the national mind, grows into a fixed belief, and finally expands into a rigid conviction. This conviction is accompanied by complacency, and any attempt thereafter to change, modify or better an institution which has thus been accepted as adequate, is looked upon as unwarrantable interference. This process of prejudiced growth is always swifter and its final development is more tenacious when an institution is one of which the public is ignorant and which does not react directly, in a political, economic and social way, on the national life. No better example of this spurious complacency in a nation can be brought forth than the attitude of the American public toward the paintings in the Metropolitan Museum of Art. We have come to consider this institution as of genuine æsthetic value, possessed of much of the best graphic art; and we deem it adequate to meet the national demand for an educational exhibition of the world's greatest painting eras.

The Metropolitan Museum warrants no such attitude, however. From the standpoint of its paintings (to which this article is devoted) it is distinctly a second-rate exhibition. If is not representative of either the great art of the past or the present. Nor has it any educational value save a minor one.

Not one great school of painting is shown to advantage by a comprehensive selection of canvases. In the entire Museum there is not a single picture of a great artist's best work, and in numerous cases the chief masters of the past are represented by paintings which give little or no idea of their true gifts to art or of their characteristic talents. In fact, many of the most important artists of the ancient world—artists who stood as the dominating and influential figures during their epochs, and artists without whose work it is impossible to obtain a true perspective of the evolution of painting—do not appear at all, either in originals or copies. There are sharp and irreconcilable hiatuses in the history of painting, while other segments of the art cycle are so overburdened with specimens of inferior and inconsequential painters, that any impression of the history or quality of painting which one might carry away after a study of the Museum's selections, would necessarily be distorted and erroneous. While it is necessary in a gallery of this size to have the works of many men who were minor links in the chain of art, they should be present only in proportion to their importance, and should be subordinated to the greater men of their day. Furthermore, in order for an exhibition of this kind to fulfil its avowed purpose, *characteristic works* should be shown, not the inferior pictures or those in which the artist was temporarily experimenting in a new manner. Such paintings, as isolated bits of decoration, are desirable perhaps, but they have no place in a public institution whose aims are educational.

Fully fifty per cent. of the pictures in the Metropolitan Museum are worthless, no matter what viewpoint we assume toward them. By their removal the Museum would be a more truly educational show. It would reveal the development of art to better advantage, for it would then approach nearer to a homogeneous display, and would thereby create a more accurate impression of art history. But even with an intelligent elimination of all the worthless work, there would be but little to recommend the Museum as a great national art institution, for even when we find pictures of the principal men of the past we approach only from a distance the true greatness of ancient

painting. The majority of the pictures of the masters are not examples of their best work, nor even their characteristic work; in many cases, in fact, they are representations of their most inferior work, and could readily be dispensed with. Fully three-fourths of the canvases of the leading graphic creators give no adequate impression of the artist's genius. In the entire collection there are less than a dozen pictures which are coequal in rank with the greatest art.

Nor are the small merits of the Museum displayed to the best advantage. The system of hanging and arrangement that prevails here is chaotic and meaningless. Many of the best pictures are tucked away in corners, while paintings which have little or no connection with art history are given prominent placings. Thus by inference is the untutored spectator led to wrong conclusions; and impressions of relative values are established in his mind which are the reverse of the truth. General art knowledge in America is far below that of any large country in Europe, and it will never improve so long as our one great institution continues by direct and indirect methods to disseminate misinformation and to create false impressions. And I hold it to be a colorable contention that the prevailing low standard of art knowledge in this country is due more to the defective, careless or unintelligent conditions of the Metropolitan Museum than to any other one positive cause.

In this article it is not my intention to attack the curator or any of his board, or to criticize the internal or financial side of the institution. The results are what concern me. The reasons for the Museum's inadequacy may be sound. These are the questions I have posed:—Have we, in the Metropolitan Museum, a first-rate public gallery of painting? Is it, as it stands, a truly educational institution? Does it represent sufficiently the great field it is supposed to cover? Does it meet the demands of the student or the general public? Does it fulfil its stated purposes "to encourage and develop the study of fine arts," "to advance the general knowledge of kindred subjects, and, to that end, to furnish popular instruction?" To these questions alone I have applied myself, and I regret that my answer to them all is a decided negative. In some

glaring instances, however, where I have known personally of the availability of desirable paintings at a time when money was being spent on worthless works, I have made passing mention of the fact; but I have purposely avoided this phase of the subject, as it has no legitimate place in an article whose aim it is to deal critically with the merits and demerits of an exhibition. And when I point out the need of certain pictures, there is no implication that all such works are obtainable or that blame attaches to the curator, although in many instances pictures which are now necessary to a comprehensive exhibition could have been procured provided unwarrantable purchases had not been made in other quarters.

Let us first look specifically into the Museum's offerings. To begin with it might be well to name twenty of the greatest representative painters the world has produced and to set down briefly the manner in which they are represented. As to who these twenty are is a subject which might be open to infinite discussion, but the following names, I believe, will be generally accepted without cavil:—Michelangelo, Rubens, El Greco, Veronese, Giotto, Tintoretto, Masaccio, Renoir, Cézanne, Leonardo da Vinci, Giorgione, Titian, Goya, Delacroix, Borrassá, Rembrandt, Pollaiuolo, Velazquez, Poussin and Ingres. These men undoubtedly stood for the highest artistic achievement of their epochs, and the student or layman who is not cognizant of their work has built his art education without its foundation. A museum which aims to embrace the history of oil painting in all its principal epochs should be able to show each of these men by at least one characteristic canvas or by competent copies. It is necessary to see these artists at the springtide of their achievement in order to study intelligently the development of art from the frieze and mosaic through the painting of natural objects down to its recent point of purity. Of the great moderns in whose work those natural objects have disappeared there is none whom we could expect a conservative public museum to represent. Consequently I have eliminated all discussion of the more recent manifestations in art, and have assumed the standard of the institution of which I am writing. What,

therefore, has the Metropolitan Museum to show for this recognized score of the greatest painters?

Borrassá is well represented by an altarpiece. But what of that great Italian Primitive, Giotto, the first of the linear composers, from whom stemmed all organizational composition? There is nothing of his in the Metropolitan Museum, and we are left to speculate as to the birth of voluminous oil painting in Italy, or to attempt a reconstruction of the austere and magistral beauty of this greatest master of the primitives by weak or poorly executed works of his unknown pupils or imitators. Masaccio, the greatest master of the century following Giotto, who consciously or unconsciously carried on Giotto's work, is not represented even by a copy—an item direly needed and which could be easily obtained. An original Masaccio or Giotto could not now be procured, but there are many able craftsmen who would gladly make competent reproductions.

Pollaiuolo, one of the supreme draughtsmen of the ancient world, is not shown. There is one fresco of his "school," which falls far short of his finest work. Although there are parts of it almost as good as some of the British Museum drawings, there is no part of it as good as the worst part of the *Saint Sebastian* of the National Gallery. Here is a man above all men to whom the students of yesterday and to-day are indebted for their knowledge of artistic anatomy and the rhythmic proportions of the human body, and it is a sore disappointment for pupils in æsthetics to pass through an immense gallery and see only one questionable specimen of his works. But such omissions can be more easily forgiven than the void which follows the name of Leonardo da Vinci. There is no picture by this great Florentine, and of his "school" there is but one dubious example which gives only an insufficient idea of da Vinci's stupendous power and influence. The most glaring omission, however, in the entire Metropolitan collection is of Michelangelo. The name of this colossus of the graphic arts, the Titan of all men who have held the pencil, is not, by school or copy, catalogued in the Museum. And yet there are numerous insignificant wash drawings of Rodin. And there is ample space

to display these drawings, although the drawings of greater men are hidden away and almost inaccessible.

Rembrandt, however, is well represented. He is indeed the only great painter in the Museum shown to distinct advantage. We could ask nothing better from this master lightist, for while his *The Auctioneer*, *Rembrandt's Son Titus* and *After the Bath*, when compared with his other pieces in the Louvre or the Royal Museum, are distinctly second-rate (as is his mediocre *Man with a Beard*), his *Hendrickje Stoffels*, *The Lady with a Pink* and *Portrait of a Man* (Room 26) are among his best single figure pieces. They do not possess the colossal and sustained force of *The Night Watch*, *The Anatomy Lesson* at the Hague Museum, *The Holy Family* at the Pinakothek, or *John Sobieski* at the Hermitage; but they are eminently to the fore of his best works. Of Giorgione who, with Palma Vecchio and Titian, renovated Venetian art, there is nothing. We find only a small head in the Altman Gallery attributed to him; but the æsthetic evidence belies any such imputation. It is inferior to his other canvases, and would be of little artistic or educational value if authentically his. We could not expect, on account of the scarcity of his work, to have so fine a specimen as the *Concert Champêtre* in the Louvre, but that there should be a copy of one of his compositional subjects goes without saying.

Of Rubens, the greatest painter the world has produced, in whom were consummated the aspirations of all the older art, the Metropolitan Museum has two fairly representative works. *The Wolf and Fox Hunt* is an excellent picture and is well hung; and *The Holy Family* is a splendid figure piece. These two paintings are among the ten lonely first-class works in the entire gallery. But surely there should be more, many more, in a museum of the size of the Metropolitan. These two are adequate in merit, perhaps, for their purpose, and when we compare them with the works of the other great men present, they stand out like promontories in a sea of mediocrity. But, on the other hand, when we compare them with *The Lion Hunt* in the Pinakothek of Munich, the *St. Ignatius of Loyola Healing the Sick* of the Imperial Gallery, Vienna, or *Ajax and Cassandra* in the Liechtenstein Gallery, they immediately lose much of their

glory. Rubens is a man who inspires both the painter and the layman, and his virile and colossal genius seems to radiate strength to all observers whether they understand him or not. To acquire a good collection of his paintings should be the first concern of every curator; and when we remember the large number of his works in the many galleries of Europe, both large and small, and in other collections, we are forced to the conclusion that the Metropolitan Museum's showing spells a regrettable paucity.

Of Velazquez, a wizard of the brush and, if not a great artist, at least a great painter, there are two examples. *Christ and the Pilgrims of Emmaus* is an early student work of no great artistic value; *Philip IV of Spain* was painted in his twenty-sixth year, and lacks the ability of the master such as is found in his *Philip IV* in the National Gallery. There are, however, four canvases from the "school of Velazquez," two of which are educationally adequate.

The sole picture in the Metropolitan Museum from the brush of Titian (Altman Collection) can be ranked only among his very worst works. It gives but a meagre idea of this artist's genius, and should not be hung in any large public gallery unless there were other and better Titians to accompany it. In Rome and Paris, to name only two European cities, there are numerous examples of this great teacher's work, this man who epitomized the Renaissance. *The Entombment* and *The Education of Cupid* are no better than we should possess, and they belong to the Louvre and the Borghese Gallery. Again, there are only three Tintoretto's—the *Miracle of the Loaves and Fishes* (which, I strongly suspect, is unfinished), *Two Brothers* and *A Doge in Prayer Before the Redeemer* (a preliminary sketch). But the composition is nevertheless representative of this artist's simpler arrangements. These canvases, however, are not enough to represent a man who has made such masterpieces as *Moses Striking the Rock*, *Christ Bearing the Cross*, both of the Scuola di S. Rocco at Venice, and *Minerva Expelling Mars*, also at Venice in the Doge's Palace. Even the National Gallery has infinitely better examples than ours. Veronese, the man who was one of the four or five great creators

of the Renaissance, has only one canvas here, *Mars and Venus United by Love*, which is inferior to many in the Louvre and the National Gallery, both of which institutions are replete with his masterpieces.

Next to Rubens's *Wolf and Fox Hunt*, the best picture in the Metropolitan Museum is the El Greco. It is a beautiful canvas, both in color and composition. The color, in fact, is even richer than in those displayed by the Hispanic Society; but the picture is not by far one of his greatest works. It is good, however—as good as we have a right to expect; but, after all, when one buys an El Greco it requires a long and arduous search to find one which is not good. I cannot resist suggesting that it would be particularly appropriate to have more work of this Greek master of Spain, inasmuch as to-day all the modern men have felt his influence toward freedom and a purer emotional expression. Even a capable copy of an El Greco is worth more educationally than fifty original canvases by lesser men. The Poussin in the Museum is small and simple, but good. For some unknown reason, though, it is hung badly and high, and is scarcely capable of indicating to the avid students of art history his once dominating personality in French art. He was a great stepping stone in national taste, and as such should have a prominent place on the walls of every large exhibition. It was he who turned the eyes of France from the bastard tendency of both Flanders and Italy to a classical ideal, and directed the efforts of his French contemporaries.

Goya, the greatest Spanish-born master, is represented by a painted *Capricho* of little value except as a record; by *A Jewess of Tangiers* which is even less consequential, for it reveals none of his qualities of chiaroscuro and volume; and by the *Portrait of Don Sebastian Martinez* which fortunately is one of the most purely beautiful bits of painting of the collection. The painting and color of the subject's coat are worthy of Renoir, and the picture's virility rises like a wave to engulf the Velazquezes. But there is no other Goya. Why not some of his figure pieces like *An Episode of May 3, 1808*, in the Prado, Madrid? Surely he is worthy of more space. The

Portrait of Doña Isabel Corbo de Porcel is better than ours, but the stuffs here are more beautifully done. Of Delacroix, the father of modern color, the Museum owns one canvas, *The Abduction of Rebecca*. Of him there should be at least six good works in order to balance the collection, for in a way he is as important to modern art as Van Eyck was to the art of oil painting. The other Delacroix, a loan, is a small replica.

David, the master of the French classical tradition, is not represented at all. Nor is Ingres, who has done some of the most genuinely charming portraits of all time, beside being a master out of whom grew Puvis de Chavannes, Degas and Maurice Denis, and who has influenced such widely divergent men as Courbet and Gauguin. His absence cuts the trend of French art development completely. But one of the most unforgivable and unnecessary omissions in the entire collection is the case of Renoir, who is represented by a single canvas. Only one picture by this man who culminated the Impressionist cycle and who, with Delacroix before him, brought back rhythmic composition into painting after a long era of scientific and empirical research! This one canvas, like all his canvases, is wonderfully painted: in fact, all his work attests to the fact that he is the greatest technician of the modern world—as great a craftsman as the artists of the Renaissance; but this canvas is too early to indicate his gigantic genius for form. It was painted in 1878, a quarter of a century before he really struck his stride as in *Baigneuses* (1902), *Le Petit Peintre*, *Femme au Miroir*, etc. It is not as if better Renoirs were not obtainable: they are. There are private collections in this country which possess greater Renoirs than the one at the Metropolitan Museum.

Renoir's great contemporary, Cézanne, the inspiration for the entire trend of the best modern painting, and the artist who has lifted painting from the slough of incompetent photography, has only one small work, a landscape so beautiful that when one comes upon it the sun shines and one feels in the open air under a blue sky after a siege of darkness and dampness of heat. That the canvas is representative one cannot with justice admit, but that the note it strikes is salutary is undeniable. The Louvre now has a number of his canvases as, I believe, has the

new Pinakothek in Munich; but it is too early for the Museums to acquire him to any great extent. Now, however, is the time. His canvases can be had at a price much lower than they will bring five years hence and at a tenth of what they will bring in twenty. In fifty they will outbid Rembrandt. Being of the New World and progressives in nearly all things, we should at once invest in this great modern's work which marked the turning point in the graphic arts, and ushered in the epoch which has purified all plastic endeavor. With Cézanne ends painting as an imitative, half arbitrary art: the next men in the course of art history have taken the treatment of nature into nearly abstract realms. Cézanne is the modern salient of the painting which began with the unknown artists of the twelfth century. The Metropolitan Museum, in order to approach its aims, should have not only a Cézanne oil landscape, but a number of water-colors, a portrait, a figure composition and a still-life, for each of them represents a distinct side of this artist's manifold genius. The finest works of Cézanne are now on the open market and can be bought at an almost incredibly low figure. Yet our Museum has recently bought an utterly worthless canvas by Cecilia Beaux, which has no place in any public collection.

These leaders named are the apexes of the different national endeavors, and within them is embodied the intensified artistry of their times and racial temperaments. Without a knowledge of their works an extensive, even a general, art education is impossible. Their showing in the Metropolitan Museum is woefully deficient. In the entire collection cannot be found one masterpiece of any of these great artists. Several of them are not represented at all, and there is only one shown to full advantage—Rembrandt; and only two in a measure adequately exposed—Rubens and El Greco. The other works are, for the most part, mediocre and in several instances totally insignificant. And here let me emphasize the fact that, in the absence of originals, good copies should be obtained. For the student, as well as for the layman, they would answer the purpose of study, and by their inclusion would lend meaning to many of the other pictures which would follow them chronologically.

With its list of the second-rate men, the Metropolitan Museum is less deficient. Opposite many of the names of these smaller men are notably good works, not only representative but, in some cases, works of the best quality. Let us consider them by schools, beginning with the French. Horace Vernet has a fine specimen of horses in a struggle with men remarkably well presented—a brilliant example of his work. There are two Lorrains (the authentic one is lent) of fair merit. There are commonplace works by Coypel, Largillière and Nattier—all of which are of little importance one way or another. Gérôme, Cabanel and Rosa Bonheur are here, but all three are insignificant painters historically as well as artistically. There is a thinner-than-usual calendar by Jules Lefebvre, and an excellent sketch of *The Raft of the Medusa*, Géricault's masterpiece and a picture that made history. It is, in fact, better than the larger finished canvas in the Louvre. Rousseau has an excellent landscape, *Edge of the Woods*, and perhaps his masterpiece. Of Chardin, the master of still-life and the inspiration of Cézanne, there is only one very bad example. Daubigny has one of his best canvases, *Evening*. Diaz has two of his best works here in a large landscape and a market scene. Both belong to the Vanderbilt Collection. Diaz is a more important man than is generally believed; at times he equals Daumier; and in the Metropolitan Museum can be seen many of his good works. Of Daumier, one of the most important figures of modern France, there are only two inferior specimens, poorly hung and in semi-dark. Monticelli has several frames, as has Corot. If one Millet is better than another, perhaps the best is *The Sower*, which is here present. There are two Lhermites, and one Bastien-Lepage, undoubtedly good representative works but of no possible value. Courbet, the father of modern painting, and very much in vogue just now, is poorly seen. The Louvre *Vague* is better than the beach scene here; the *Femme de Munich* is better than our *Woman with a Parrot*, and *Les Grands Châtaigniers* is better than our snow scene. Manet, his follower, a painter peculiarly loved by Americans, has a superfluity of pictures, but not one of them is among his best. *The Funeral* is incredibly bad and should be skyed. Of

the Monets the *Rouen Cathedral* is the best. Couture has three canvases, but inasmuch as he was an offshoot of the classical school they are of small importance. Greuze has one authentic picture—not one of his best, and a very small head attributed to him not hung; Fantin-Latour, a bad portrait, probably unfinished. Prudhon, the most original of the Empire Period painters, is shown in one tiny sketch for a picture now in the Louvre.

These names end the lesser links of the Metropolitan Museum's French art. (Of the pictures of Poussin, Delacroix, Renoir and Cézanne we have already spoken.) The minor men here presented, with the exception of Diaz and Géricault, have little individuality: many of the greater and more individual secondary Frenchmen are absent. For instance, there is no work of the Avignon School, Boucher, Champagne, Cluet, David, Ingres, Fouquet, Courtois, Watteau, Fragonard, Raoux, Rigaud, Lancret, Gros, Nicolas Froment, Chassériau, Joseph Vernet, Pissarro, Guillaumin, Sisley, Bazille, Roll, Laurens, Blanche, Besnard, and many more modern ones still. But of Meissonier, a pretty painter of no authentic importance, there are twelve selections! And there are over-many Bouguereaus and Puvis de Chavanneses, besides numerous specimens from the third-rate Frenchmen—men who have no place in a great museum of art unless they belong to the country which owns the collection and are retained merely as historical data. The American section of the Museum is a good example of this excuse for hanging the national painters, and that they are Americans is about the only excuse for hanging the greatest part of them. Next to the Italian and Flemish schools, the French school is of greatest importance, for out of it during the last century has come the impetus for the artists of all countries. It has passed through morality to sensuality, through romanticism to realism, through archæology to naturalism, through history to abstraction. But little idea of its great sweep and importance can be gained from the examples which body it forth in our Museum.

The Netherlands painters are better represented because of the excellent display of Rembrandts, and because of the Ru-

benses. Furthermore, out of the twenty-eight more or less important Flemish and Dutch names, the Metropolitan Museum has pictures of all save eight. Were these pictures consistently good and characteristic, the showing would be admirable, but only in a few instances do they measure up to the highest standards of their authors. One of the two canvases of Terborch is unusually bad. Van der Weyden, who should be shown with several pictures, has only one lent by Morgan. Jan Van Eyck, the man to whom is attributed the discovery of oil painting, has but one piece, and that also is a loan by Morgan. The Vermeer with its still-life of stuffs is only fair; the other is a loan. And Vermeer should have more canvases than any other Dutchman save Rembrandt. The Mabuse is indifferent. Of Hals there is both good and bad. *Yonker Ramp and His Sweetheart* typifies the lighter side of the Haarlem master's virtuosity, as does *The Merry Company*. Jan Brueghel, the Elder, might almost as well be absent so far as his two small pieces go. Jerome Bosch has one good picture. Dirck (or Thierry) Bouts is also shown in one piece, *Portrait of a Man*; and Massys is represented by a single wood painting of moderate worth. The one picture of Jongkind was painted before he had developed his stippling technique, and is therefore no criterion of his true gift to art. Among the painters of the Netherlands who are well shown Memlinc, David, Van Ruisdael, Jordaens, Van Dyke and Israels are conspicuous. But there are no works by such important men as Van Outwater, Brouwer, Jacob Cornelisz, Paul Potter, Van Gogh, Van der Goes and Peeter Brueghel, the Elder, who with Bosch made possible the Little Dutchmen.

While the British School is adequately represented as to numbers, the works are generally far from being good. One cannot understand why Reynolds, who epitomized the servile academism of the British School, should have ten pictures, while Romney, Constable and Hogarth, the principal men of the school, are much less conspicuously shown. Romney, England's most artistic portraitist, is seen in four pictures, only two of which can be called adequate specimens of his work. Constable, the greatest English innovator, has but two landscapes; and Hogarth, who first embodied the true English spirit in

painting, is shown in a single portrait of Peg Woffington which falls far short of *The Shrimp Girl* in the National Gallery. Gainsborough, whose forte was female portraits, has no representative canvas. Of the five authentic canvases shown, three are portraits of men, and one is a landscape. Lawrence and Beechy, two very superficial members of the English portrait factory, are present. There are two typical Hoppners; but one of the Raeburns is perhaps the worst picture that artist has ever done, and the other is only commonplace. This clever artist has done some admirable pieces, such as *William Ferguson of Kilrie*, *Mrs. George Kinneir* and *Mrs. Scott Moncrieff* of the Royal Scottish Academy of Edinburgh. There are a Shannon and an Augustus John, both indicative of the state of English academic art to-day. Turner has several water-colors and oils, of which *The Whale Ship* is a fair example of his work. Bonington's two coast scenes are indifferent, though the lighting in the smaller is good. However, they do not compare favorably with his pictures in the Louvre. One Crome is good; but the one Rossetti possessed by the Museum is not on view. Lely who, with Van Dyke, was the founder of the English School, has but two canvases, one of them unfinished.

These pictures, with a few others of lesser worth, constitute the show of the important British painters. There are no Thornhills, no Burne-Joneses, no Holman Hunts, no Ramsays. And though Brangwyn is a poor painter, he is of sufficient importance to be shown. The Luxembourg has several of his works, but we have none.

The Italian School is the worst represented of all. True, it is numerically very large and consequently very difficult to choose from; but, on the other hand, it is the most important, for it was the real matrix of great painting and produced a period of art unequalled in all history, with a higher and more glorious standard of excellence than that of any other country. In Holland and Flanders, as well as in Spain and France, there were great consummations of effort embodied in a few colossal figures like Rubens, Rembrandt, Goya and Renoir; but in Italy the second-rate artists were head and shoulders above all in the other countries save the pinnacled few. And, by count of ar-

tists, both the American and the French Schools are more numerous. The American School has 197 names; the French School, 126; and the Dutch School, 78; while the Italian School has only 79. Numerically the proportion is far out of balance; but as this is not an entirely fair way to judge the exhibition, let us look into the merit of the offerings, taking up a dozen of the principal names in the Museum's list.

Of the poor showing of Pollaiuolo, Titian, Tintoretto and Veronese we have spoken earlier. Fra Angelico has a dainty work not worth particular mention. The best Canaletto is only a passable example of that architectural artist's style, and is not in itself interesting. There are too many Tiepolos for the artistic balance of the other Italians, and we could do very well with *The Crowning with Thorns* alone. Botticelli is revealed in only two of his inferior works, *Three Miracles of Saint Zenobius* and *Saint Jerome*, slightly better than the former. Giovanni Bellini is shown only in a small and simple *Madonna and Child*. Lorenzo Lotto, the most individual of the Venetians, has one picture. The Correggio, one of the artist's very early works, is of little descriptive importance, although the two Lorenzo di Credis are interesting. The Mantegna is a good picture, though inferior to the greater part of his other work. The Perugino is part of a predella—a small panel. Guardi has a typical Venice scene.

These constitute the representative best. When we come to the omissions in the Metropolitan Museum we find many distressing voids. For instance, of the six greatest Italians, four are absent—Michelangelo, Giotto, Leonardo da Vinci and Masaccio—and the Giorgione is unauthenticated. Nor is there a work by Fra Filippo Lippi; nor by Luca Signorelli, one of the most sculpturesque of the Italians; nor by Fra Bartolommeo, the first great Florentine; nor by Andrea del Sarto, the Giorgione of Florence; nor by Caravaggio, the first great Italian naturalist; nor by Gentile Bellini, a founder of the second primitive Venetian school. Farther down the scale we may look in vain for a Raphael, a Palma Vecchio, a Gozzoli, a Guercino, a Solario, a Guido Reni, a Conegliano—all more important artists than a score here on view.

There are, however, a few excellent examples by unknown Italian artists of the fourteenth and fifteenth centuries, and a particularly good panel by the Siennese School. But the total impression of the gigantic scope and intensity of Italian painting is illy given by the Metropolitan group, and were this collection our only basis of judgment, we would fail in a true comprehension both of the development and the greatness of that most important creative school.

Turning to the German School we find a few good pictures; but though the list is incomplete and in spots poorly selected, we need not lay too much emphasis on the fact, as this school is of no great importance and all its tendencies and achievements are set forth in a very few men. Happily Cranach, the Elder, is well represented by two pictures of a high order. His arrangements are always intensely unconventional and interesting, and his balance of masses most instructive for the student. Holbein's *Lady Lee* is a fairly good specimen of this line master's style, but is not so excellent as his *Ambassadors* in London. Then there is an ordinary Dürer in the Altman Collection. One Makart is shown. The Wilhelm von Kaulbach is very poor, and the two Lenbachs are not of the artist's best. But whereas there are twenty pictures by insignificant German artists, there are no works by the following second-rate painters: Mathias Grünewald, Schwind, Böcklin, Overbeck, Liebermann, Max Klinger, Menzel, Leibl or Trübner.

The pictures in the Spanish School are few and far between, and the unimportant men are emphasized to such an extent that the person who goes to the Metropolitan Museum for information on the painting of Spain would come forth with almost no conception of the subject. We have seen that Borrassá has one altarpiece, that El Greco has one good picture and no copies, that Goya is viewed in one representative picture, and that Velazquez is, on the whole, disadvantageously shown. The Zurbaran is very inferior, and the Ribera, *Lucretia*, is a poor work when compared with the *Martyrdom of Saint Bartholomew* of the Prado. The one picture attributed to Murillo is unrepresentative if indeed genuine. But Sorolla, a painter who could have come as well from America as Spain, is more than well

shown and is also well hung. There are five of his canvases on view. Zuloaga also is seen to good advantage in a usual drop-curtain effect of Bréval playing Carmen. Both of these men's work is Spanish as to subject and very French as to execution. But there the list of important Spaniards ends. A poor showing truly. There is nothing of Juan de Juanes, the great Valencian master; there is not a Lopez, a Pacheco, a Morales, a Campaña, a Pantoja de la Cruz, a Coello, or a Herrera.

Now the American School. These pictures are, with certain faults, representative of this country up to ten years ago, but beyond that they do not adequately go. There are better artists working now in New York than the great majority of those hung in the Museum. Indeed the greater part of them could be dispensed with to the betterment of the collection, for many of the canvases are not representative of the merits of their authors: they are simply bad examples of more or less competent men's work. For instance, Whistler's *Nocturne in Green and Gold*, Myers's *The Night Mission*, Dabo's *The Cloud*, also Whistler's *Edward G. Kennedy*, *Lady in Grey* and his *Connie Gilchrist*, Benson's *Portrait of a Lady*, Winslow Homer's *Searchlight*, the works of Clifford Beal, Ernest Lawson, Paxton and Irving Wiles (to name only a few) could be put in dark corners, or entirely hidden, and the rooms in which they are now hung would take on a better aspect. While these artists may be good painters, let us not forget that good painters occasionally make very bad pictures, and that unless they are *very* good painters they do not destroy them. Many very inferior works are in this School, and they not only lower the standard of the show, but make the search for good work more tedious.

In this American exhibition there are, to be sure, many charming and competent works. The Henri, although not the best of that painter's work, is interesting, for Henri is the ablest painter and the most artistic academician of America. Chase's virtuosity calls for a glance in passing. Mary Cassatt has a typical work and a good one. Davies has one of his romantic painted imageries. Childe Hassam, who stands for the best of the Impressionistic manner of this country, has two pictures. George Bellows's talent is shown to good advantage in his land-

scape. Steichen and Walter Gay, however, are not descriptive of the best we have. Sargent here exposes one of his best efforts; but we would willingly exchange Alexander's *Study in Black and Green* for his *Pot of Basil*, while his *Walt Whitman* is not worthy of a painter of his reputation. Friesseke and Richard Miller show what they always do, neither better nor worse. La Farge is here, colder than usual and not so attractive. Whistler's *Théodore Duret* and his *Cremorne Gardens, No. 2* are good specimens of his decorative ability. Winslow Homer is always interesting except at rare intervals, and *Shooting the Rapids* and the *Searchlight* are these intervals. His sea pieces are as good as usual. There is a particularly good Innes. As historical curiosities the pictures of Benjamin West, Sully and Gilbert Stuart are undoubtedly of value, but we should have better Stuarts; and our deficiency in Copleys is as amazing as it is incomprehensible.

Whatever excuse there may be for the inferiority of the other schools in the Metropolitan Museum, there is no reason why we should not have a good and complete American showing. There are twice again as many pictures of this school as is needed to embrace adequately all the best and characteristic talent which has come out of this country. But many of our best artists are not shown, and the whole modern tendency of painting in America must be got from private galleries or sale shows. Then again there are numerous specimens from men who should have not more than one or two pictures shown, and those only as historical records. American art is far enough behind European art, but were our Museum a criterion of judgment, we should indeed be in a sorry plight.

Necessarily, I have been unable to go more detailedly into the glaring deficiencies of the Metropolitan Museum, but I believe there have been enough instances set down here to give some general idea of its inadequacy as a national educational institution. Quantity, not quality, would appear to be the keynote of the Museum's policy. The pictures are constantly changing, and in this article I have in certain instances checked off my accumulated note-book data with the latest catalogue, published last year. I realize that there are some pictures in the

Morgan Collection which are not referred to in this article. These works are lent, and already some of them have been removed. But no other permanent additions of any great importance have recently been made, so I feel that I have been just, although if any statistical errors have found their way into these lines I hereby offer my apologies to the Museum's board. It is a significant fact, however, that in the authoritative histories of painting there is rarely a reproduction of a picture in the Metropolitan collection—a commentary which speaks more eloquently for the worthlessness of its paintings than any critical article could do. The best pictures of the old world were taken by the European museums before we were in line perhaps, and there is ample evidence to show that we have had to content ourselves in large measure with the left-overs. But excuses, no matter how valid, cannot raise our standard. What we could at least do, however, is to spend some of our money on good copies instead of squandering it on poor originals of no value. As it is, the regrettable fact remains that the paintings of the Metropolitan Museum, judged either from the standpoint of individuals or schools, are lacking in any degree of comprehensiveness, and that their presence, as they now stand, is of very dubious educational value to anyone.

THE GREAT MEXICAN REVOLUTION

AN ANALYSIS

CARLO DE FÓRNARO

THE fourth phase of the great Mexican revolution is nearing its end.

The first part was initiated in November, 1909, under President Díaz; it was the explosion which blew off the lid of the Porfirian dictatorship. The second movement broke out intermittently under F. I. Madero; it was the unorganized effort to eliminate the Porfirista machinery, which stuck like a leech on the administrative body under the Madero régime. The third act began as soon as F. I. Madero and Piño Suarez were murdered by the Huerta-Díaz clique. The ultimate phase started soon after Villa's defection; which was the last gasp of the reactionaries in their attempt to break up and destroy the unity and purpose of the revolution. It was also the end of the political and the beginning of the social revolution.

The Mexican revolution cannot be understood unless observed as a drama of several consecutive acts, with climaxes and anti climaxes; a chapter from the history of Mexico, with its amazing awakening of the Mexican soul from a sordid, cruel, relentless, political and economic oppression to a more equitable and practical realization of the real aims and yearnings of the dumb masses.

One is too apt to see only a wanton destruction of property, a needless sacrifice of lives, starvation for the pacíficos, and untold suffering and financial and commercial bankruptcy for the country in general. The Americans, the Europeans and the Mexican landed interests are too prone to exaggerate the material and physical loss without taking into consideration the rehabilitation of the civic and political dignity of the Mexican middle classes, and the social and economic freedom to be achieved by the lower classes. Rich Mexican refugees and American investors invariably dwell on the fact that out of fifteen million people in Mexico only a small percentage of the

population is doing the fighting. If one takes into account the number of men who fought under Diaz, Madero, Orozco, Zapata, Huerta, Villa and Carranza, for the last five years, then it will be seen that practically one thirtieth of the population was under arms. The United States had over one tenth of the population under arms during the Civil War. The Mexicans would have increased their fighting contingent had they been able to get arms and ammunition with the same facility as the Americans during the Civil War. The principle for which the Mexicans are fighting at present is more vital to them than the principle for which the abolitionists were fighting. The Mexican leaders are battling not only to destroy a rampant slavery, but for social, political and economic freedom. As a moral issue, slavery, previous to the Civil War, only bothered comparatively a small proportion of the population; in Mexico the question of slavery, of economic and political oppression is vital to 99 per cent of the population; the other one per cent comprising the exiled landowners, politicians and ex-federals will be able to return to Mexico as soon as the supremacy of the people has become a fact.

Most of the Mexican exiles in the United States and Europe are carrying on a very expensive agitation against the revolution with the help of the foreign interests. They worked actively under the Porfirian régime and acquired landed, banking, and concessionary interests; they gambled everything on a continuation of the Diaz régime, under the leadership of Corral and Limantour, and when the crash came, they protested and complained in the press of the United States in a manner which deceived many into the belief that they represented the interests of fourteen million and a half pacificos. These same exiles, who when they were in power always showed the greatest indifference and contempt towards these same pacificos.

The porfirian régime was seemingly so powerfully entrenched that foreigners laughed at the idea of anybody attempting to overthrow it. Porfirio Diaz not only would not, but could not, undertake any radical reforms, for every reform favorable to the people was a curtailment of his own power. A few weeks before the overthrow of Gen. Diaz an intimate friend of his

suggested a few radical reforms as a sop to the revolutionists. "It cannot be done," confessed General Diaz, "my government is like a train, from which all brakes have been taken off; our train has no constitutional brakes, we are going full speed ahead, towards our own destruction,—God help us!"

When Madero came into power he tried to conciliate all his enemies, before he had really achieved the principles of the revolution. He attempted to compromise with the porfiristas, the cientificos, the reyistas, the felicistas, the vazquiztas, the zapatistas, the clericals, the militarists, the landowners, the foreign interests; he offered the olive branch to all, and he was repaid with the assassin's bullet. He had mistaken family loyalty for political loyalty and was therefore accused of nepotism and graft; when he vacillated between his kindness and inexperience, he was abused as incompetent and weak. His sacrifice was necessary to the unity of revolutionary purposes and ideals.

The Porfirian régime was excellent for the pockets of a few Mexicans and a great many Americans and Europeans; but it was a poisonous virus inoculated into the very life of Mexico. This national corruption culminated in the high fever of revolution. The devastations, the horrors, the sacrifices, the seeming injustices of the revolution can be compared to the ravages of a sickness on a body; in appearance they are wasteful and destructive, and often incomprehensible; but in reality they are regenerating and healthful.

After the revolution, the Mexican will possess higher civic ideals and a greater conception of political life.

The revolution against Huerta was fortunate in the leadership of a man like Carranza; all his weaknesses and mistakes were more than offset by his bulldog courage and tenacity, his financial honesty, his political integrity, his unswerving faith in his own people; his granite will against all compromises, pitfalls and temptations. His political experience stood him in good stead and his age made him respected in the midst of a revolution of young men who might have scorned a younger leader.

That a man over fifty, without military experience, should have been capable of organizing a fighting revolution, and over-

throwing in less than a year and a half the most powerful military oligarchy in the history of Mexico, is a feat worthy of respect.

After Huerta's armies had been soundly beaten and his supporters convoked the A. B. C. conference at Niagara Falls, expecting a repetition of the Juarez conference (1911), when the revolution of Madero permitted the defeated autocracy to place in the chair a "neutral" provisional president; the refusal of Carranza to participate in the conference showed greater wisdom than his detractors gave him credit for.

But that the same chief should have succeeded in eliminating General Villa, who was considered, by the American press, responsible for the victories against Huerta, and destroyed Villa's halo of invincibility, proved that Don Pancho was not the greatest general of the revolution, but one who had received the greatest press notices.

When the beaten Villistas convened another A. B. C. conference and expected Carranza to join the meeting, we must suspect that the Villistas seriously imagined Venustiano Carranza to be as "bloedsinnig" as themselves.

No compromise with the enemies of the revolution, unconditional surrender, were the watch words of Carranza. He was as inflexible towards others as with himself. When an ex-federal general, who had captured J. Carranza, brother of the first chief, offered to liberate the brother, his nephew and two cousins, in return for reinstatement in the Constitutionalist army, Don Venustiano Carranza never hesitated one instant; he sacrificed his brother and kin on the altar of non-compromise.

The Mexican revolutionists have learned the bitter lesson that it is worse than useless to compromise with an enemy; the surrender must be unconditional. The Mexicans can point out a lesson to themselves in the Missouri Compromise, which did not settle the question of slavery.

The Constitutionalist leaders are backed in the adherence to this principle by the soldiers themselves. One of these soldiers was asked by an American, as he lay wounded on the battlefield, if it was not preferable to work peacefully on a farm than to die miserably in the trenches. "No," answered he, "it is bet-

ter a thousand times to die violently in the battle for liberty than to face starvation on a hacienda."

The same sentiment is voiced by the middle class. A talented leader and organizer of the "Casa del Obrero Mundial" (House of the World's Workers), after the Villa defection, said in a speech in Vera Cruz: "If the Diaz-Lombardo-Angeles-Villa faction were able to obtain preponderance in our country, it would be preferable, for the sake of civilization in general and our own reputation in particular, to make of our whole country one great big bonfire. To crush that faction, even at the risk of being crushed ourselves, is not only our duty to our country, but it is also our duty to humanity."

The Madero régime was a period of gestation of personalities which were born under the storm and stress of the political cyclone of General Huerta. In a sense this revolution is similar to the revolution against Santa Anna, and the War of the Reform. At that time great personalities arose from the crucible of civil war, leaders like the Indian Benito Juarez and Melchior Ocampo, Sebastian and Miguel Lerdo de Tejada, Jose Maria Iglesias and generals like Escobedo, Corona and Diaz.

In this revolution there arose besides Madero and Carranza fighters like General Alvaro Obregon, General Salvador Alvarado, General Pablo Gonzales, General I. L. Pesqueira, and leaders like Luis Cabrera, Rafael Zubaran and Rob. V. Pesqueira, J. Urueta, Pastor Rouaix, M. C. Rolland, Dr. V. Rendon, J. Rendon, E. Arredondo, J. Acuna, F. Palvicini.

The Constitutionalists had concentrated most energies in 1913 on the elimination of a pretorian and clerical régime. The Villa defection gave them more leisure to devote to the enactment of the most important reforms. These reforms were published in "El Pueblo" January 18th, 1915, Vera Cruz.

The program of the social revolution as headed by Don Venustiano Carranza proposes to carry out:

1st.—THE DISINTEGRATION OF ENORMOUS ESTATES, i. e. the vast areas of land owned by the few, so as to promote the formation of the small properties.

(The Revolution is opposed to the possession of the land by

the few, as is the present state of things. It wants everybody to have their share, making prosperity extensive to all, as cultivation by the individual is infinitely more productive than when done on a large scale. The revolution wants to restore to the people the lands which were unjustly taken from them by the national and foreign caciques, backed by the dictatorships of Dias and Huerta.)

2nd.—EQUITY IN THE TAXING OF LAND AND REAL ESTATE.

(The Revolution wants rural land-owners to pay in proportion to what they have. At present, the big land-owner pays an insignificant tax, while the small man who cultivates his own land, is taxed to the limit. With the regulation of taxes, the towns will have richer municipalities, and it will be possible for the small land-holder to enter into competition with the cultivator. Indirectly, this will have a moralizing influence on the authorities, because the big land-owners, having no privileges, will not have recourse to bribing in order to keep their privileges.)

3rd.—(a) CREATION OF AN ALL-EMBRACING LABOR LEGISLATION.

(The Revolution will enact laws to avoid the extortion of labor by capital, as happens now. There will be laws to regulate salaries and determine the minimum wages, laws regulating hours of work, and age of the labor, in order to protect childhood in its development and old age in its decadence. Laws regulating the sanitation of the work-shops, to protect the health of the laborers, also regulating the manner of dealing with accidents in the service, in order to insure the maintenance of the laborer disabled at his work, etc., etc.)

3rd.—(b) THE ESTABLISHMENT OF MUNICIPAL LIBERTY AS A CONSTITUTIONAL INSTITUTION.

(A free municipality is the foundation of all liberties,—it is a school of democracy. Free municipalities insure the freedom of the state and also the freedom of the Republic. This is one of the most important reforms of the Revolution.)

4th.—A CHANGE IN THE SYSTEM OF THE ORGANIZATION OF THE ARMY.

(At present the army is a large armed force which depends on the Central Power, and spreads all over the Republic. With this system, the liberties of the states, municipalities, etc., are, at a given moment, at the mercy of the President of the Republic (as with Porfirio Diaz) or of the General in Chief (as with Victoriano Huerta). These public forces should have a different origin, different views and different distribution.)

5th.—ELECTORAL LAWS TO GUARANTEE THE EFFECTIVENESS OF THE VOTE.

(The electoral laws now in force have been made by men whose desire is to annul the effectiveness of the vote, which has assured them of the inefficiency of the elections. The people are unable to enforce their views at an election.)

6th.—(a) ESTABLISHMENT OF THE INDEPENDENCE OF THE JUDICIAL POWER IN THE FEDERAL GOVERNMENT AS WELL AS IN THE STATES.

(However repeatedly the Constitution may declare the independence of the powers, this independence is a delusion where the Judicial Power is concerned, in view of its organization,—there being officials appointed by the Executive and depending on him, etc.)

6th.—(b) THE REVISION OF LAWS REGARDING MATRIMONY AND THE CIVIL CONDITION OF INDIVIDUALS.

(The Revolution whose aim it is to elevate the Mexican people by giving them perfect liberty, cannot allow matrimony, which is a contract, to be indissoluble, when by the mutual consent of both consorts it is desirable to break it. If the will comes first according to the laws, why should it be subordinated in a matter which plays so important a part in human happiness?)

7th.—THE REFORMATION OF JUDICIAL PROCEEDINGS IN ORDER TO RENDER THE ADMINISTRATION OF JUSTICE PROMPT AND EFFECTIVE, THE REVISION OF CIVIL, CRIMINAL AND COMMERCIAL LAWS.

(Who has not had to suffer through the criminality of the Courts of Justice on one hand, and due to the never-ending proceedings on the other hand? What man that has ever had to

deal with the Courts, has been free from the consciousness that he is at the mercy of all those who form part of the Court, even to the stenographer who can delay the copy of a document, or the clerk who retards a notification? Up to now the administration of justice may be compared to the service of hired coaches, in that they both move painfully, and only for money.)

8th.—THE REVISION OF THE LAWS RELATIVE TO THE EXPLOITATION OF LUMBER, WATERS, PETROLEUM AND OTHER RESOURCES OF THE COUNTRY, WITH THE VIEW OF ABOLISHING MONOPOLY.

(Who is ignorant of the fact that the insatiable and corrupting spirit of the Dictatorship absorbed everything—sometimes for the benefit of the head of the system, Porfirio Diaz, other times to satisfy the voracious appetites of those who surrounded him? Who does not know that it is this policy of concessions which created the unbearable insolence of the foreigners residing among us? Therefore, everything which may tend to destroy this monopoly and humiliate this uncalled for arrogance, will be a patriotic work, and this is what the Revolution proposes to achieve.)

To these reforms must be added a general reorganization of the school system in Mexico, keeping especially in view the weak spot in the Mexican school system, which is the rural school system. When the revolution against Huerta was in full swing Mr. Carranza sent a young engineer, M. C. Rolland, to investigate the school system in the United States. The trip brought forth the fact that the states of Wisconsin and Massachusetts have the best organized rural system for schools in America. These two states are the pattern which will be used for Mexico's Minister of Education to work from.

Over a hundred school teachers have been sent to Boston within a year to study educational methods in vogue there. By the time the revolution is over most Mexican school teachers will have travelled and have had practical experience in the United States and will be able to teach the young Mexican according to the best American standards.

Of all the reforms a general compulsory school system will

be the most far reaching and profound, but it will take a generation before its effects will be felt.

The religious question is one which has been very much discussed, written and misunderstood. The Catholic Church in Mexico is, to use a homely simile, a fatty degeneration of the Mother Church, and has for almost four centuries played politics, with disastrous results. It can be safely asserted that the religious question is really only a political question; when the Mexican clericals have made up their minds to keep their hands off politics, there will not be any religious question to solve. Some Catholic prelates in the United States have even gone so far as to ask W. J. Bryan, when Secretary of State, not to recognize any Mexican president who would not eliminate from the Mexican Constitution the Laws of the Reform! *

Most of the Constitutionalist reforms have been published and circulated as decrees by V. Carranza. The Mexican social body is slowly absorbing these reforms and acquiring a healthy taste for democracy. In January, 1915, the National Lottery was abolished by a decree of the First Chief.

Very equitable labor laws were created under the wise guidance of R. Zubaran as Minister of the Interior. At the same time Doctor Atl organized over thirty thousand Mexican workmen under the name of "The House of the World's Workers." Of these over fifteen thousand enrolled as soldiers with the Constitutionlists when Villa occupied Mexico City. This Mexican organization has sent representatives to the United States who have succeeded in bringing about very close relations with the American socialists, the American Federation of Labor, the Western Federation of Miners and other labor organizations in this country. The Mexican proletariat has discovered that its interests are the same as those of the American workingman. An international union of this kind is the best guarantee of peace.

The great source of strength of the Constitutionlists lies not only in the fact that the most intellectual, talented, democratic Mexicans have been working under the leadership of Carranza,

* For information on this question see: "The Religious Question in Mexico" by Luis Cabrera, with translation of the Laws of the Reform.

but these same leaders have insisted on carrying out the promised reforms before convening a constitutional government or congress. Their actions speak louder than the words or the promises of the Zapatistas and the Villistas.

The inertia of congress under Madero explains the restlessness of Mexico under his régime. It must be remembered that the Madero Congress did not enact or attempt to initiate any reforms. Radical reforms cannot be carried out by a congress of a government which is not standing on a sound democratic basis. A government to carry out certain reforms quickly, can only be autocratic or revolutionary; the process in a democracy is slow and laborious. A government like the Russian might liberate millions of slaves and pass stringent laws to prevent the sale of alcoholic beverages, but it dares not enact democratic reforms such as universal suffrage, free speech and a free press, unless it wants to commit suicide.

The reason for not convening at once a constitutional government after the overthrow of Huerta can be given best in Luis Cabrera's own words, spoken at the convention in Mexico City, October, 1914; he said among other things:

"I BELIEVE that there must not be a constitutional government until the social reforms which the country requires have been accomplished.

"I BELIEVE that the reforms demanded by our country, if not accomplished now by the strength of your swords, will never be accomplished.

"I BELIEVE that, if we wish to have a truly lawful and constitutional government, we must make a Constitution that is adequate to our necessities.

"I BELIEVE that there must come out a new Constitutional Congress, which will be as great, if not greater than that of 1857, and I believe that this Congress will be the first which in the history of New Spain and Mexico will set the foundation of a legislature which will harmonize with the blood, race and needs of the Indian, and not a constitution copied from that of France or the United States.

"It seems to me that the defence of all the reactionaries and

conservatives is that of clamoring for the immediate application of the law, as soon as they find themselves defeated.

"I BELIEVE that if at the present moment we are to apply a constitutional government, the object of the revolution will be ruined."

Besides the questions of reforms, there is the international question which is worrying the United States as well as the European investors. Carranza has always protected the foreigners, their lives and interests; in times of revolution it is very difficult to carry out a perfect protection, for obvious reasons. As far as the destruction of property and the great sums of indemnization to be paid, besides the foreign and internal debts, there is no doubt, once Mexico settles down to peace, it will be able to pay all the indebtedness without being in the least overcome by its weight. The wealth of the country is so great, so inexhaustible that within a few years of peace, people will not believe that there ever was a revolution. The Constitutionalist government offered to create an international commission, half Mexican, half foreign, to pass on the indemnities.

As to the question of the recognition of the Constitutionalist government, it will be seen that such a recognition will be as beneficial to the Americans as to the Mexicans. The quicker matters in general are settled the quicker the country will recover. A prohibition forbidding all arms and ammunition to go to any parties except to the Constitutionlists would pave the way for peace within a few months.

Mexico is exhausted and asks only for a chance to be allowed to recuperate from its long and dangerous sickness.

WAR LETTERS FROM "A LIVING DEAD MAN"

Written down by ELSA BARKER

[Early in 1914 an unusual book was published, entitled "Letters from a Living Dead Man." The writer, Mrs. Elsa Barker, prefaced these letters with the statement that they had been communicated, altogether "automatically" through her hand, by the spirit of a deceased friend,* in his life a well-known jurist and a deep student of philosophy. The book not only attracted widespread attention but also received the quite uncommon distinction of being commended by many who refuse to believe in its spiritistic origin. In addition to several editions already issued both in England and America, it has been translated into four foreign languages.

About a year later Mrs. Barker began to write, evidently from the same inspiration, a new series of remarkable letters giving pictures and interpretations of the European War as seen from the viewpoint of the "other world." In beginning this series, "X" (the signature appended to all the letters and a familiar soubriquet of Judge Hatch among his intimates) declared: "When I tell you the story of this War, as seen from 'the other side,' you will know more than all the Chancelleries of the Nations." But in the following sketches, extracts from the forthcoming volume, "War Letters from a Living Dead Man," the editor of THE FORUM believes that its readers will find a touching simplicity and poignant tenderness that will compel interest without regard to the question of authorship.]

I

A MAN died yesterday with your name in his thoughts. No, he was not a friend of yours, but some one you have never seen. Back in England last year he

* Since the publication of this book it has been announced that this friend was the late Judge David P. Hatch of Los Angeles and members of his family (not spiritualists) have publicly stated that they feel convinced of the genuineness of the communications.

read the former book which I wrote through your hand, and was intensely interested in it.

Then the war broke out, and he went with the army to Belgium.

Day and night since the first fighting began he has been meditating the facts and possibilities of that book. Is there a future life continuous with that of earth? Can a man return as I claimed to return, and can he give to a woman still in the land of the living a record of his experiences among the dead?

He was always talking to his trench-mates about the future life. He would sit smoking his pipe in silence and gazing off into space, and when other soldiers asked him what he was thinking of so busily, he would often say: "I am thinking of a book I read last summer, and wondering if it was true."

There was one question which particularly interested our friend who died yesterday with your name in his thoughts: the question whether, if he should go out of life at the hands of the enemy, he could prepare such a "little home in heaven" as we wrote about, for a girl whom he loved back in England, and if he should prepare it and wait for her, whether she would be true to him after his death, and meet him there in a few years, and dwell with him in the little home.

Another thing in the book which interested our friend was the story of the woman in the invisible who made a journey into Egypt with her still-living husband. He used to wonder whether, if he should die, he could go in the spirit, as he said, to the little place in North Wales which he had once visited with his sweetheart, and which they had selected as the future scene of their wedding journey.

One night he wrote her a long letter asking her, in case of his death, to go there this summer, and saying that he would try to meet her there. Then after reflection he destroyed the letter, fearing it might make her sad.

When I saw about him a peculiar light which the indwelling spirit throws round its vehicle when that vehicle is about to be destroyed, I waited, knowing there would soon be work to do.

Suddenly I saw his body fall to the ground, and saw the tenuous bodies exuding themselves. I waited but a moment, then

went forward and lifted the spirit out of the sleep into which it would have drifted. I breathed on the forehead of the astral—for astrals have foreheads, make no mistake about that—I breathed on the astral forehead of the man who had paid our book the compliment of thinking about it and about us in the last moment of his life.

He opened his eyes on my face.

"Hello, 'X.!' " he said. "I hoped you would meet me here. You're a good fellow not to disappoint me."

"Oh, I was always a good fellow!" I answered. "How did you know so quickly that you had come out?"

"Because I saw you."

"And how did you know me?"

"By your photograph, which I saw in a magazine."

"But do I still look like that old hulk?" I asked; for I rather pride myself on the recovery of a certain part of my original youth and beauty.

"Why," he said, "you *do* look like the photograph."

"That is strange," I replied. Then I remembered that my very knowledge of the man's thought of me, as being the old Judge of the story, might have made my body transform itself to meet the demands of his recognition, even without the intervention of my will.

"Do you want to take a nap?" I asked, though there was no sleepiness in his eyes.

"No, thank you, 'X.' I should like to go to England. But perhaps you have something to do besides indulging my wants and wishes."

I laughed.

"Your wants and wishes are just as important as mine," I said. "I'll go to England with you."

We went.

Crossing the Channel we passed a transport laden with troops.

"I wish all those fellows knew as much as I do," my friend said. "Maybe they would fight with renewed vigor if they could see what a good companion I have found out here."

Do not be startled, you clergymen who say, "Ashes to

ashes, dust to dust," and draw solemn faces as you preside over the passing of souls! Do not be startled or shocked by the jolly conversation of my newly-arrived soldier-boy. He knew that he was with an old friend, and he knew also that death is no more sacred than life, and need not be any more solemn.

We went to call on a girl. I often went courting in my youth, but never did I feel more interest in such a visit than when I went with this soldier to see *his* girl. The fact that she could not see us made no difference. I am used to that now.

She was combing her hair when we arrived, beautiful long hair, and on the mantel before her and under the mirror was a photograph of my friend. As her eyes rested on it lovingly, suddenly he passed between her and the photograph, and she cried out:

"Why, the eyes are alive!" and dropped the comb on the floor.

Then, as the truth flashed through her mind, she said, very solemnly:

"My dear, if it is really you, and if you have come to me in this strange way, know that I love you and shall always love you, and that I will meet you in heaven."

Then she sat down in a little chair and began to cry.

II

LISTENING IN BRUSSELS

When the German army passed through unresisting Brussels (three days, if I remember rightly, it was passing through, a long, moving grey-green river of men, on whose helmetted ripples the sunlight or the lamplight glittered), I stood for an hour unnoticed upon a balcony, reading the thoughts of man after man as he passed before my place.

As I have explained to you before, I have no difficulty in reading the thoughts of the Germans; it is only in trying to make them understand me that I often fail.

The river of men and the river of thoughts, each man a ripple, each thought a ripple!

Here are a few ripples of thought which caught the light of my attention:

"What a beautiful city Brussels is!"

"My feet are tired. My shoes hurt me."

"That tree yonder is like the one beside the door at home."

"Mother will be making coffee at this hour."

"What a pretty girl—the one with the bread in her basket!"

"I wonder if Gretchen will talk much with Hans now I am gone."

"That gate on the left is the one that Marie sent me on a picture postcard last year."

"My feet are tired. My shoes hurt me."

"So this is Brussels! I always wanted to see it."

"My head aches."

"Deutschland über Alles! Deutschland über Alles!"

"I wonder if the Lieutenant paid his tailor."

"How warm it is!"

"What is father doing now?"

"I wish I had a glass of beer!"

"I am glad we don't destroy Brussels!"

"What is all this war about, anyway?"

"The Fatherland! The Fatherland!"

"What will they give us for supper?"

"I wonder where we are going?"

"This isn't so fine as the Unter dem Linden."

"When we get to Paris I must see the Venus of Milo."

"My head aches."

"Our baby has a tooth!"

"Will it ever be supper-time!"

And so on and on and on, as the long grey-green river flowed through the city of Brussels.

And these were the men that in a little while would murder and rob and burn and rape, and murder and rob and burn! Many of them had done so already—these tired men with their aimless, unwarlike thoughts, their commonplace soldier thoughts, of home and food and aching feet and of postcards Marie sent last year and the hour for mother's coffee!

What power transformed them into devils? What demon

dehumanized them till they forgot their weariness? Was it the raucous cry of the war-trumpet? Was it the devil behind the devil who blew the trumpet? Was it the evil spirit of a nation, or merely the spirit of war?

It was all of these things.

Perhaps when they began their marching they thought of glory and hate and life and death and honor; but they had been marching long and their thoughts had become simple as the thoughts of weary old men.

What was it all about? What power was driving them on?

Some of these men killed unresisting civilians, struck down helpless children, maltreated nuns and other virgins, drove old men and women before them as a shield against the fire of the opposing forces.

What roused the devil in them? Your friend is right in saying that the war-trumpet is an instrument that can rouse the demon that sleeps in the human breast. He says that the demonic forces outside can make their entry into our world and our personalities riding on the tones of the trumpet-horn. He is right.

He says that it brings the element of fire into the soul. Profoundly true! Fire, the element of destruction, that purifies by destroying what cannot resist it. Fire in the soul and fire in the nerves and fire at the end of the rifle—and death by fire to all that gets in its way!

III

I want to tell you something which I saw with my own eyes.

On a battlefield in France, two soldiers killed each other with the bayonet. The devil in each escaped with the soul. They were not ordinary men. I saw these two devils, these two "dwellers on the threshold," these two "desire-elementals," call them what you will. Do you think they fell upon each other to destroy each other? Not at all. Each fell upon the soul it belonged to. They had no interest in each other;

they had nothing to give or to take away from each other, these devils, dwellers, elementals.

Do you see what I mean?

Your enemy is within you.

The one you fight outside is your brother. Love him with brotherly love, and your devil will grow weaker as your angel grows stronger.

IV

I took counsel with the soul of an English officer who died in leading a charge. His death was quick and painless. A shot through the heart and he found himself—after a period of unconsciousness—still, as he supposed, leading a charge.

But there was no enemy before him, nothing but the tranquil fields above the tumult; for so great was his exaltation of spirit—he had died with the thought of his Love in his heart—that he had gone up and up to the region where Love may have room.

Seeing nothing before him he paused, looked round and saw me.

"Brother," I said, "you have left the war behind you."

He understood. Those who have lived for weeks in the tents of Death are not slow in recognizing Death, when he lifts the curtain.

"And what of the charge?" he asked eagerly. "Was the charge won?"

"Yes," I replied, "the force of your spirit won it."

"Then all is well," was his answer.

"Rest a little," I said. "Rest and talk with me."

"Have we met before?" he asked. "For your face is familiar to me."

"My face is familiar to many on the battlefields," I said.

"When did you come—out here?"

"Three years ago."

"Then you can teach me much."

"Perhaps I can teach you something. What do you want to know?"

"I would know how to comfort one to whom my death will bring great grief."

"Where is she?" I asked.

He named the place.

"Then come," I said, "I will go with you."

We found a beautiful woman in a little room in England, a little room which contained a little bed. And in the bed was a boy four or five years old. We could hear the voices of the mother and child as they talked together.

"And when will father come home?" the little one asked.

"I do not know," said the mother.

"Father *will* come home, won't he? Are you sure that he will come home?"

"I pray that he comes home soon," was all the mother said.

The eyes of children, as they pass into the twilight world; the world between waking and sleeping, are sometimes very clear.

"Why, father has come home!" the child cried, and he stretched out his arms to the father with a glad cry.

And the mother knew, and was very still.

But her grief was softened by knowing that he whom she loved had come home, and that her child had seen him. I think he will remain with her until she can join him here. The delay will not retard the progress of his soul. Love is the fulfilling of the law. There is time in eternity for love and the delays of love. In love a thousand years are as one day.

CHINESE LILY

PAULA JAKOBI

CHARACTERS

Chinese Lily
Chin Tau
Stella
Annie

Clara
Kate
Janey
Matron

PRISONERS

Chinese Lily: very dark—intense—half Chinese, half Scotch. Dressed in blue and white one piece prison dress and plain blue apron. All the prisoners are dressed alike.

Stella: Grey hair, face seamed with wrinkles, eyes red.

Annie: Colored—young—gleaming white teeth—big eyes—clever and evil-looking.

Clara: Tattooed arms and chest. A heart with an arrow on right arm. Short greasy peroxide hair. A typical “sailors’ delight.”

Kate: A sweet-faced English girl—rather characterless.

Janey: Doubles with Kate. 17 years old—very pale and worn.

Matron: Kindly, sad-faced, tired woman of 40 dressed in immaculate white shirt waist and skirt, high stiff collar.

Scene: In the laundry of a woman’s prison. A heavy cloud of steam envelops the long, low laundry. Wan, vice-formed faces peer through it like spectres in a thick fog. It is like an inferno. The workers’ dresses have not been washed in a month. They are indescribable. Through the windows can be seen the prison yard.

The majority of the women who work in the laundry are in the reformatory as “drunks and disorderlies”; many are tattooed. The huge boiler for the clothes is belching forth steam; the irons are heating around a small iron stove. At the left of the room a great steam mangle is turning out fresh clothes which

a sturdy girl lifts into great hampers. They are carted to the prison yard.

ANNIE

I just been to the hospital where they said they'd give me the tests, but they couldn't get me to answer their foolish questions. If they had asked me sensible ones. . . . They tells me to put a little jigsaw horse together or try to put square pieces in round holes—not for mine!

MATRON [*to Clara*]

Why do you walk so slowly on the line?

CLARA

What's the use in getting there? I'm tired of obeying like a dog does a whistle.

MATRON

You do look tired, Clara.

CLARA

I can't remember when I wasn't tired. I guess I was born tired. If I hadn't 'a' had to work when I was a child! Oh, well, what's the diff? My mother was tired before me. If I only could get out to get some air! We haven't been out since October and now it's April!

[*Matron walks down the room*]

STELLA [*from the other end of the laundry*]

Look out; here comes creeping Jesus in another clean dress that one of us girls has to wash. She gets on my noives.

ANNIE [*folding towels*]

Yes, there's that damn matron again.

[*A look comes into her face—hard, watchful, cruel*]

KATE

Leave her alone; you've done her dirt enough. She's on the square. I tell you she makes me feel that she's my friend and that she doesn't watch me for the fun of it. I bet she'd like to leave us to ourselves, but she ain't let. And she makes me feel that she believes in me. It's great to have some one that believes in you.

ANNIE

All right, all right. But I don't like them to be telling me all

the time what is right for me to do. Let them look out for themselves. If they'd only treat us with a little human feeling—but they treat us like cattle. They're strict—always strict. [*There is silence. The matron passes through. She puts her hand on a woman's shoulder: the woman starts*]

MATRON

Kate, what's the matter?

KATE [*whispering*]

Oh, I thought it was a policeman. Say, Matron, I suppose you've enough letters to read, but if you could stand another, I got one from my father.

MATRON

I should love to read your letter.

[*Kate gives her the letter*]

MATRON [*gradually reading audibly*]

“—and you can be sure of a welcome from your mother and me, and no one will ever mention the past. You know that I wouldn't allow it.—Your loving Father.”

[*Matron returns letter to Kate*]

CLARA

We miss you in the laundry, Stella. Where have you been keeping yourself?

STELLA

I've been whitewashing the walls of the hospital. Did you know that they had a woman in there who tried to kill herself? She wanted to starve to death. I heard the doctors say her people had turned her off. They're giving her forcible feeding, just as if she was one of them suffragettes. The other day she broke a pane of glass and tried to cut her throat. Now she's handcuffed. I've had enough of whitewashing the hospital. [*With head bent, knitted brows*] I get out in two weeks.

MATRON

Have you been here long?

[*Lily enters*]

STELLA

In long? Five years for an abortion.

MATRON

Oh, but that is dreadful.

STELLA

Lots of them do it; it's done every day.

MATRON

What happened to the woman?

STELLA

She died on me.

[Lily goes to Stella and puts her arms around her shoulders for a moment, then passes on to her work, at a mangle]

MATRON

You here, Lily?

LILY

Oh, yes—*[after a pause]*—Poor Stella! What will she do when she gets out? She is so old. It will be so late for her to begin again. But—oh, to get away from all this!

MATRON

Really, Lily, do you mean it?

LILY

Never again for mine!—It is these *[touching the bars]*, and the fearful sound of the keys!

MATRON

Why did you keep a disorderly house, Lily?

LILY

It was all I could do. I—I couldn't help myself.

MATRON

Will you go back to the same thing?

LILY

Never again. I'm going to live for my girl—my Janey.

MATRON

You are the only woman in my ward with no pictures on the walls of her room.

LILY

Oh, I like pictures, but they're so afraid of having you try to pass off every good-looking man as a relation that they won't let you put up anyone's picture. And then, it ain't fair to cut them from the magazines. You start to read a

story and the interesting part is gone. [*A pause*] But I have my placard.

MATRON

Your placard?

LILY

Yes, the prison motto—*that's* up in my room—"Now is the time of Salvation!" [*Lily looks at the matron quite steadily as she slowly irons*]

KATE [*breaks the momentary silence*]

My brother had three children before he was twenty-one.

STELLA

That's nothing; I had five myself before I was twenty.

KATE

I'm glad I've had this experience, for I was just beginning to go round. It's better to know what one can come to. I'd no idea anyone could sink so low! [*Then with a sigh*] Oh, I do hope I'll get out soon.

ANNIE

"All hope abandon ye who enter here."

KATE

If I didn't hope I couldn't go on.

MATRON

Annie, where did you hear what you just quoted?

ANNIE

Oh, I don't know. Me for Essex Street the minute I get out, and a planked steak and spaghetti!

[*Annie and Clara whisper together. The matron approaches*]

CLARA [*after a silence*]

I received a letter from my husband, Matron. Will you read it?

[*Women are passing to and from yard with clothes. The matron reads, while Clara bends over her with eyes shining*]

MATRON [*reading*]

"My dear beloved wife:

"Yes, I'll be out in about two months and will come to see you. Yes, dear, I got your picture and I have one in my cell, and if I look at the picture once, I look at it fifteen times a

day, and when I get the blues I say, 'Never mind, dear, we will be together some day.' "

CLARA

He ain't done no wrong, Matron, he is just in for a fight. He gave a fellow a black eye. . . . You ought to see me when I'm not in here. I wear my hair in curls, and I have a lovely switch that they took off me when I came in, and I have a hat with willow plumes. You ought to see it! [*Continues dreamily*] Oh, yes, I had dandy fun. It is the first time I am run in. They was Harvard students—fine fellows.

MATRON

What did you spend your money on, Clara?

CLARA [*promptly*]

Clothes.

[*The sky has become overcast. It is thundering and lightning. The women crowd closer; they are frightened*]

ANNIE

There's no use being scared; if the Lord says my time is come, it has, whether I like it or not, and I might as well go on ironing.

STELLA [*poising her iron in one hand*]

God forgive me if I'm judging Clara Clark, but I thought she did drink. As for me, I'm not in here for murder or anything; I'm just a common drunk.

[*Clara passes behind her, glancing toward her*]

ANNIE

You'd better be careful what you say, Stella.

[*The matron passes through toward the yard, to see whether it is raining*]

CLARA [*who has begun ironing a skirt, to Stella*]

Did I hear you say I drank?

STELLA [*hesitatingly*]

Well, I was told you did.

[*Clara quickly raises her iron and throws it at Stella, missing her by a hair's breadth. Women scream, and the matron turns and hurries to Clara*]

MATRON [*severely*]

What do you mean by such conduct? [*Clara, sullen, does not*

answer] You shall be punished for this. And you just out of the dungeon, too. [*Turning to the other women*] Go back to your work, women. [*To Stella, who is crying*] Go into the yard and bring in the clothes before it rains. [*To Clara, giving her a note which she has written*] Take this to the office. [*Clara looks at her half sullenly, half defiantly. The matron unflinchingly faces her*] Take the note at once. [*Clara goes out with the note. Silence for a few moments*]

ANNIE [*to Lily, in a very low tone*]

I ain't got no place to go when I leave here. Can I go back to you?

LILY [*without moving her head*]

I'm not going to take any more girls.

ANNIE [*incredulously*]

Aw, give that guff to the matrons.

LILY [*quietly*]

It's true. I'm not going to take any more girls.

ANNIE

Got religion?

LILY

Quit your fooling. If you have no place to go and if I'm out you can come to me but it's on the straight. [*The matron passes: Lily continues in the same tone*] So I ordered a dozen oranges, it was Friday, our fruit day you know; but they didn't have any and I had to do without, though I had been thinking of them all day. [*The matron has passed*]

ANNIE

What'll Clara do? She's countin' on goin' back to you—and say, Lil—what'll you live on?

LILY

Never you mind—[*She goes off to get more clothes*]

[*Two Sisters of Charity are walking through the yard. Stella sees them pass. She calls out in a raucous whisper*]

STELLA

Hey, Sisters, Sisters——

[*They do not answer*]

STELLA

Aw, Sisters—hell!

[*A gong sounds*]

MATRON

Women, get in line to go to chapel. Try to be quiet in the corridors and sing your Easter hymns as well as you can. You, Lily, can remain here to fix up the laundry. [*The women file from the laundry*]

LILY [*diffidently*]

Matron—if you're not too busy I'd like to tell you something. I can't sleep. I think and think. Can I talk to you for a few minutes?

MATRON

Of course——

LILY

You *have* been good to me, Matron. You're really the only friend I've ever had and I'd like to tell you how it happened, if you care to hear.

MATRON [*taking Lily's hand*]

Of course I want to hear. You know I am deeply interested in you, and during this past year I have grown to love you as though you were my own child. Tell me—perhaps I can help you.

LILY

Well—it was this way. Chin Tau expected me to come to his room every afternoon at four to give him the money the girls brought in. On this day I was afraid to go, for there was less and less money and he wasn't satisfied. But I knew he would be fearfully angry if I wasn't there promptly, so I collected the money and knocked at his door. Just as I was knocking——

[*During this scene the stage gradually darkens until the laundry is quite obscured. The lights as gradually rise and a luxurious Chinese interior, incense-flooded, is discovered. Chin Tau, a large middle-aged, full-blooded Chinese, is on the sofa, smoking a long opium pipe. There is the sound of knocking on the door*]

CHIN TAU

Come—Come in!

LILY [*in light blue Chinese coat and trousers*]

Good afternoon, Chin Tau!

CHIN TAU

Come here, my Blossom.

LILY [*approaching timidly*]

You are well this day?

CHIN TAU

Chin Tau is not well till his Blossom is in his arms. [*He draws Lily to him: she tries to withdraw. Chin Tau looks displeased—Lily controls herself and sits close to him*] Has my Lotos flower brought a tribute to-day?

LILY

Yes, Chin Tau. Here it is. [*From a salver she empties many bills and coins into Chin Tau's lap*]

CHIN TAU [*growing strained*]

It seems very little. It grows less and less. Annie—Annie brought how much?

LILY

Twelve dollars.

CHIN TAU

Only twelve dollars since yesterday? I will have to see her. And Clara—?

LILY

Clara, Chin Tau, Clara brought five dollars and a half. Clara has not been well.

CHIN TAU [*growing more tense and angry*]

Not well—not well—there is no such thing. She has no right not to be well. She must be well. If she is not well I will turn her away. She will have no place to go. She must be well. I will see her. Mollie?

LILY [*who has been drawing farther and farther away and now sits at the extreme end of the sofa*]

Mollie, Mollie—twenty dollars.

CHIN TAU [*leans forward in white rage*]

Twenty dollars—twenty dollars! What does she mean? And I got that boy for her—that boy who thinks nothing of his millions, who would throw them at her if she works him and plays him properly. What does she think I did that for? To

please her? Why do I give her beautiful rooms and a young lover? Just to amuse her?

LILY

But she is detained in her rooms; she——

CHIN TAU [*coldly*]

Her chains are golden—she has no responsibilities—nothing to do but be agreeable to my friends.

[*Lily grows more and more cold. Chin Tau observes her silence*]

CHIN TAU

Come here, my Lotos Blossom. That has nothing to do with us—with us and our love. I must have money—must I not?—to give my Beautiful fit surroundings. [*Fondling her*] To keep these little hands, these soft little hands dimpled and white. To keep the shoulders that I love—[*He attempts to open the top of Lily's coat. She draws away from him*]

CHIN TAU

What is this? You start from me?

LILY [*full of fear*]

No, Chin Tau; no, but I am so troubled—I——

CHIN TAU

That is well, if you do not start from me, for you are mine, Lily, to do with what I choose, mine, do you understand? Body of me, blood of me—skin of me—my passion flower.

[*Lily sits within his arms, terror struck*]

CHIN TAU

I have a plan. I have a plan with which to recoup our treasury. I will tell it to my love. Count Romanoff has come to me again.

[*Lily starts in terror*]

CHIN TAU

No, I will not give you to him—for you are mine and no man shall have you. Count Romanoff has come to me again. He tells me he has not known such a palace of bliss as mine. He likes my rooms, my music, my food, but he is tired of my girls. He wants a new girl and a beautiful one. He will pay

my price—any price if I will get her for him. I have been looking about, and at last after a long search I have found the very one.

LILY [*apathetically*]

Yes?

CHIN TAU

Yes, little Lotos Blossom. [*His eyes narrow as he watches her. He speaks slowly*] The girl I have chosen is—your daughter, Janey.

[*Lily sits as motionless as before. Only her lips echo the name: "Janey?"*]

CHIN TAU

I am glad—I am glad, little woman, that you do not care. After all, Janey is growing up. She is now fourteen years of age and she must have some experience soon, and why not benefit her mother and me? I, who have schooled her and taken care of her? The dear child surely wants to pay her debt to us, does she not?

[*Lily's face has become resolute. She smiles, and nestles to Chin Tau*]

LILY

Yes, yes—I am glad you have found so rich a lover for her. Besides, Romanoff is not so old. He must be—let me see—not more than fifty! And he will be gentle with her, will he not? for she is not over strong! [*She arranges the pipes and fills Chin Tau's pipe. Her eyes are glancing about the room. She is extremely nervous*] And—when, my love, when have you decided this will take place?

CHIN TAU [*smoking slowly, never taking his eyes from Lily*]

To-night, my Blossom.

LILY [*her hands clench, her body grows rigid. She bends forward*]

Will you not give me time—will you not give me some time to prepare her? She is very young—she is very much of a child. She knows nothing of the world.

CHIN TAU

It will be to-night, my Blossom.

LILY

To-night—to-night!—Will Chin Tau let me go to Romanoff instead of my Jane? She is so young—she——

CHIN TAU [*in a rage*]

You will not stir from my side—you low, vile, half-breed, half-Chinese! You would desert me to go to another when I care for no one but you? I would kill you first! [*He grasps her by the arm and throws her from him*]

[*At the word "kill," Lily's eyes blaze. She stares at Chin Tau, fascinated*]

CHIN TAU

But we will not talk of such things. Come to my arms. Come to my arms and rest there. When we have drained Romanoff, I will take my Blossom away to other climes than this money-grubbing land. I will take thee over the seas to the lotos country where we will do nothing but love. I know you do not like keeping this house and the girls for me. We will not do anything more of the kind. I will carry you about so that your little feet do not touch the ground. You will lie upon a bed of lilies.

LILY [*she has grown restless. She starts from Chin Tau*]

Tea. Shall we have tea?

CHIN TAU

Are you agreed in everything with me?

LILY

Yes—as always—yes.

CHIN TAU

Then, my Love, we will have tea.

[*Lily prepares it on the small table near the couch. She stands behind Chin Tau to pour it. He raises his hand over his head and puts his arm around her neck. She bends over him. Suddenly she has an inspiration. As she bends she takes the end of his long queue in her hand. Rapidly she winds it round his neck and with superhuman strength strangles him. The action is so rapid he is taken completely off guard. As he is strangling, the lights lower. The scene changes and the laundry is seen with the matron and Lily seated as before*]

LILY

And I knew nothing, it seemed for days. They sentenced me to come here—that's all I know.

MATRON

And the child?

LILY

I don't know. I don't know. I can't find her. Everything seemed to disappear. The girls who came here, who had been with me, knew nothing of her. It's the only thing that keeps me up—the little girl. It's three years now.

[There are sounds in the corridor as of companies marching. The door opens. The women file into the laundry. The matron goes toward the door to see them enter and watches the line in the yard. Lily sighs, drops her hands with a tired gesture and places some irons on the stove. The women go to their various occupations which they left when they went to chapel]

KATE

Have the commissioners had you before them yet?

ANNIE

No, and I don't know what I'll say to them. I don't remember what I said to them at the examination when I came in. Of course I lied. I didn't give them my right name.

KATE

You got to see them before you can go home.

ANNIE

Say, where you bin? Co'rse you have. There are three of them in the reception room—two men and a woman and the superintendent *and* the deputy *and* the doctor *and* the Social Workers *and* the probation officer. I guess that's all. An' they have the papers with your case before them on the table. And when your name is called they open the door into the hall where the girls is waiting to be called for, as frightened as rabbits. An' you go in an' give yer dope and they have the story with the "case" on the table before them and they compare what *you* say to what the papers tell, and if it don't tally they fire questions at you an' you wish you was dead. . . . I tell you they ain't got no shame. They ask you ques-

tions I wouldn't let pass *my* lips an' the women commissioners is worse than the men. An' when yer through you feel that yer owned by the whole world. . . . Oh, *you'll* know when the commissioners have had you before them

KATE

An' when it's all through, can you go?

ANNIE

Oh, no—you can go when they're good and ready to let you out. Sometimes it's months after the commissioners have seen you. An' no one tells you a word—when you can go or what they have decided; you got to have a home to go to or work promised an' you got to be well, an' how 'bout it if you ain't got no place to go an' are sick? Is it your fault? I wish the days was back when you knew just how long you were in—even if the time you had to stay was longer.

STELLA

Did you know that the commissioners and social workers are comin' here to-day? I was told to hurry up the white dresses. That'll mean that we'll put them on and when they'll be walkin' through the grounds we'll be let out and we'll play ball. Ain't I cute playin' ball? [*She strokes her white hair ironically*]

[*A new worker enters. Lily stops ironing and stares at her in consternation. The newcomer gasps: "Mother!" Even the calloused women in the laundry are touched. For a few moments the gossip is hushed. Instinctively the women drift away from them toward their various occupations*]

LILY

My God!—[*After a pause*] How did you get here, Janey, Janey?

JANEY

Oh, never mind.

LILY

Tell me, Janey, my little Janey!

JANEY

Oh, Mother, Mother, I can't tell you!

LILY

But you must tell me—you must tell me, child! [*She has*

sunk to the floor at Janey's feet; her arms are around the girl's knees]

JANEY

Well—when they took you away from me I was so frightened! They told me all sorts of terrible things about you. They said you kept the girls. They said you were no good. They said you killed him. I wouldn't have blamed you for that, but it was the other things. And I didn't care then *what* happened to me. I rushed from the house. I hated everyone and I wandered around the streets and at last I was hungry and tired and didn't know where to go and I landed in a sub-cellar of a hotel—they took me as dishwasher. Mario Cella was there too. He did the heavy lifting for me. I liked him well enough, until one day I found out that I was in the family way. Then he wanted to marry me and I agreed to meet him at his mother's, but—oh, Mother!—when I saw him in the daylight! Oh, it never would 'a' happened if I'd 'a' had the sunlight on him!

LILY [*gently*]

Did you marry him?

JANEY

I did not and I never will.

LILY

How is it you're here?

JANEY

The hotel wouldn't take me back. I couldn't get anything to do. I was starving and I had to take to the streets.

MATRON [*to Janey*]

You'd better sprinkle some of these clothes.

[*Lily crouches with head on hand*]

MATRON [*to Lily, with her hand on her shoulder*]

Don't take it so hard, Lily.

[*Lily pushes the hand almost roughly away—says nothing—continues work*]

MATRON

I am so sorry, Lily.

LILY

What's the use of it all anyway? My little girl! It isn't her fault. And what'll happen to her here? You're watched all the time until you try your best to do something just for the sake of doing it. You don't learn anything. You're just kept busy—busy at the same tiresome thing day after day. If you don't treat every other woman like a brute you're watched to see that you're not breaking any of their blessed prison rules. What can you expect? You're weak—when you get out—from all the regulations—weak in body and in mind and even if you have spent your eight months or eight years making resolutions your life has grown so empty—you've been kept so long away from everything and everybody that when you get out you're useless—you're only fit to be made use of. . . . And she's my baby—my little baby—Well, I'm done!

[A woman passes in the yard with a matron. She is dressed in black with a sailor hat on her head. A baby in blue is on her arm. Her face is gleaming with joy]

WOMEN

Why, it's Kate—going home! *[They crowd around the door, backs to audience—watching Kate off]* Don't come back, Kate! Don't come back!

Curtain

TWO CHORUSES FROM "IPHIGENIA IN TAURIS"

WITTER BYNNER

I

THE SECOND MAIDEN.

O SAD-VOICED ocean-bird, heard in the foam
Low by the rocky ledge
Singing a note unhappy hearts can hear,
The song of separation from thy mate,
The moan of separation,
I have no wings to seek like thee, but I
Can sing a song like thee,
A song of separation from my mates.

At home in Hellas now are gathering
My kinsmen. Artemis
Blesses the new-born from Her Cynthian hill
And soothes the mothers with the cooling palm
And bay and olive-tree,
Where once Latona loved the winding streams
And watched the rounded pools
White with the song-like motion of the swans.

Alas! the falling tears, the towers fallen,
The taking of our towns!
Alas! the clash of bright and angry spears
That captured me aboard an alien ship!
Whence I was sold away
To be an exile here, a handmaiden
With Agamemnon's daughter,
Doomed to the bloody rites of Artemis.

THE FOURTH MAIDEN.

And at these altars where the sacrifice
Is not of sheep but men,

I envy those unhappy from their birth;
For to be bred and seasoned in misfortune
Is to be iron to it;
But there is something in the pang of change
More than the heart can bear—
Unhappily remembering happiness.

THE FIRST MAIDEN.

Lady, a ship is here to take thee home,
And in the rowers' ears
Pan shall be sounding all his pointed notes,
Great mountains echoing to his little reed,
And Phœbus on his lyre
Shall strike profound the seven strings and sing
To thee of Attica,
Shall sing to thee of home and lead thee there.

Oar after oar shall dip and carry thee,
Lady, away from me,
Oar after oar shall push the empty sea
Wider, wider, leaving me lonely here,
Leaving me here without thee.
And forward over the unceasing bow
Thy sail shall faster run,
Ever refilling with the unspent wind.

THE SECOND MAIDEN.

O to go swiftly like the wingèd sun
Upon his dazzling track
And not to let my golden light be folded
Until I touched my house, my roof, my room!
Then I should go again
To noble marriages and take my place
In the bright company,
Give them my hands and circle round and dance.

And I should strive to be the loveliest
In all my looks and ways,
In my unrivalled brightness of attire

And in the motion of my hands and feet;
 And my embroidered veil
 I should hold closely round me as I danced
 And I should hide my cheek
 In the soft shadow of my clustering curls.

II

THE THIRD MAIDEN.

Latona bore one day a golden Child,
 O Artemis, Thy Brother,
 Phœbus, the darling of the vales of Delos—

THE FIRST MAIDEN.

Whose little fingers hovered on the harp
 And pulled at archery.

THE THIRD MAIDEN.

Leaving His birthplace, to Parnassus' top
 The Mother brought Her Boy—

THE SECOND MAIDEN.

Where Dionysus flings the waterfall.

THE THIRD MAIDEN.

There hidden coiling in the leafy laurels
 A serpent, with bright scales
 And blood-red eyes, a creature born of Earth,
 Guarded the cave that held Earth's oracle.
 Phœbus, beholding it, leaped up
 Out of His Mother's arms, a little Child,
 And struck the serpent dead—

THE SECOND MAIDEN.

And on that day began His prophecies.

THE FOURTH MAIDEN.

Phœbus Apollo, Thou hast won the throne,
 The tripod of the truth!

And in the very centre of the earth
Thou hearest wisdom; and Thy voice conveys,
Accompanied by all
The run and ripple of Castalian springs,
The inmost oracles
That ever Heaven whispered to the Earth.

THE THIRD MAIDEN.

But Earth had wished the oracles to go
To Themis, Her own daughter,
And in Her anger bred a band of dreams
That in the night should be oracular
To men, foretelling truth.
And this impaired the dignity of Phœbus
And of His oracles—

THE SECOND MAIDEN.

And the baby God went hurrying to Zeus,
Coaxed with His little hands and begged of Zeus
To send the dreams away . . .

THE FIRST MAIDEN.

And He was very pleased to have His son
Come straight to Him with troubles. And His head
Decided with a nod
And bade men turn from the prophetic dark
And every haunting shape—

THE FOURTH MAIDEN.

And listen only to the lips of Light.

THE CASE OF DR. NORDAU

JAMES HUNEKER

I

HERE'S our old friend Max Nordau popping up again in a new suit of motley. It is now Max the art critic, as in 1895 it was Dr. Nordau, author of that ponderous epitome of quackery entitled *Degeneration*, and in 1903 Max the slayer of dramatists and their evil mummeries. He has scoured the entire realms of literature, art, philosophy and politics, revealing the possession of a virulent pen and a mind stocked with more misinformation than any ten of his journalistic contemporaries. A victim to a mania best described as a hatred of the new—misoneism—he has spared no one who has dared to think, write, paint, model or compose individually. Nordau is a man who has followed in the wake of every genius, of every art movement, for the past quarter of a century, making insulting gestures, but always keeping at a respectful distance from his adversaries. He has maintained the one attitude—a critical Thersite shaking his impotent fist in the wake of a conquering army. All the men he has abused had or have won European reputations—John Ruskin, the pre-Raphaelites, Rossetti, Swinburne, Mallarmé, Verlaine, Baudelaire, Maeterlinck, Tolstoi, Ibsen, Wagner, Nietzsche, Zola, Huysmans, Goncourt, Barrès—the list is much longer. The success of their work is a commonplace. One no longer defends them. Some have received the stamp of academic approval. The star of a great misunderstood poetical and critical genius, Charles Baudelaire, has risen. But Nordau does not know the war is over. He continues to execrate in print these names. He had been passed by and left like something that cries at night in the desert. Or he is like the bass clef in a Henry James dialogue, all dashes and blanks.

Perhaps the worthy doctor discovered that the accusation of decadence is a two-edged weapon. It was turned against him

with deadly results when William James stepped into the fray and in a few dignified but cutting phrases proved that to Nordau might be ascribed all the symptoms of decadence he had so generously bestowed upon the subjects of his book. For example, "Coprolalia," or love of abusive language.

When the late Professor James got through Mr. Shaw gave the man such a drubbing that we heard no more from him for nearly a decade. St. George easily slew his fuming dragon. You may remember that Nordau made some lucky though obvious guesses in *Degeneration*. It was only too easy to predict of Paul Verlaine that he was doomed to disgrace and an early death, or that in the later books of Nietzsche a disordered intellect might be distinguished. What Nordau didn't foresee was the ultimate placing of Verlaine in the pantheon of French poetry, the admission of Maurice Barrès to a fauteuil of the Academy, and of Zola to the ranks of the immortal dead of France.

In fact many of Nordau's black geese have turned out white swans; which proves that a little prophecy is a dangerous thing. He never had the critical instinct. You can always believe the reverse of what he says and be nearer the truth. Each chapter in *Degeneration* contradicts the other. You are a mystic, therefore a degenerate. You are a realist, *ergo* a decadent. You are an individualist, consequently quite mad. Socialism is Nordau's weak spot. It is the nigger in his particular woodpile, and is one of the reasons he attacks so fiercely the individualism of Nietzsche, Ibsen and Barrès. By rights he should sympathize with the absurd communism of Tolstoi, but his racial origin forbids *rapprochement*.

It is the sweet, deluding and sonorous verbal artillery of parlor socialism—socialism, newest and oldest of lies political—in which Nordau delights. He has written pamphlets on the theme and has arraigned society with the bitterness, though without the intellectual precision of Nietzsche, or the emotional power of Tolstoi. And he has been most reckless in the manner with which he borrowed from Nietzsche his scarifying dialectic in *The Wagner Case*. All the arguments deployed against Richard Wagner by Nordau you may find first in Nietzsche's un-

happy book; a book written in the twilight of his intellect and one that should never have been published. Nordau, too, availed himself of much of Nietzsche's material in *Beyond Good and Evil*. In his attacks on Nietzsche he first read Dr. Hermann Türck's brochure. But why continue? The theory of degeneration is thoroughly discredited, and we do not recall that its chief exponent ever made answer to Dr. Hirsch's able counterblast, *Regeneration*. Moreover, it was when Dr. Nordau began to put forth novels and plays that he gave himself away to his adversaries. The man who had lampooned Tolstoi and Zola and the rest had tried his hand at fiction and dismally failed. His plays are ridiculously bad, all the worse because of their pretention to a "moral," an "uplifting" purpose. You can't catch the early bird any more with that sort of salt. If one must preach—and we do not admit the necessity—do so with the melodious indignation of Ruskin or the half-cracked intensity of Tolstoi.

Furthermore, his fiction and plays are not nice—apart from their commonplace style—for he deals with malodorous themes, and presently you are waist-deep in the very mud and gloom he so strenuously attacked in *Degeneration*. We have gone into some detail about the Nordau theories because they were exposed in superficial style with facile allusions to a pseudo-science that proved birdlime for the feet of the half-baked of culture both here and in England. A whole nonsensical "literature" of psychiatry sprang into existence, and an author was judged moral or immoral, sane or insane by the specific shape of his ear-lobe or his eye-strain. (The latest authority here places the seat of psychic disorders in the colon!) It is too easy, this method of putting the entire world of art, literature and philosophy into the madhouse or prison; and finally with a laugh the entire ponderous and silly theory was shunted off the rails of criticism. But Nordau had forgotten the painters, and one fine day it occurred to him that he had left almost untouched a magnificent field for his ruthless ploughshare. If Nietzsche, Wagner, Tolstoi were locked up in the Nordau Inferno, why not Manet, Puvis and Rodin? So we get a book, *On Art and Artists*, largely made up of scraps, some of which seem to have been written be-

fore the Flood, others as late as ten years ago; but all of the indescribable quality that leaves the reader in doubt as to whether Nordau had ever seen a canvas of Manet or a marble of Rodin. Of course he has; though, lacking powers of visualization, of divination, of synthetical judgments, and last, but not least, the artistic pen of a descriptive writer, his arguments, be they never so elaborate, do not produce conviction. We—and this is new in the Nordau case—even fail to admit the good doctor's sincerity. We feel, without admission being made on his part, that his ideal in art is the colored photograph, in music the phonograph.

II

Like all of the critical controversial work of Nordau, *Vus du Dehors*, a collection of essays, mostly devoted to French dramatists, is very "external." An arrant believer in the flesh-pots of life, the pugnacious little doctor sets up for a profound psychologist. He digs, he delves, into the novels and poems of his contemporaries, and then, after weighing them in the scales of a laboratory, he publishes the results. It is difficult to place his criticisms—they are neither sound physiology nor good red fiction. You read of a poet whose intellectual scheme suggests novelty; suddenly the shape of his ears is adduced as evidence of degeneration. He is a faun; his poetry is atavistic, deals in foolish images of experiences undergone by a cannibal ancestor. This method is very confusing.

Or a play is discussed with considerable skill—Nordau is a clever journalist—and we sail through three or four acts when, bang!—the past of the unfortunate author is lugged in to prove that a certain situation is but a memory of his aunt's fondness for young fellows in the long ago. It is quite personal criticism, of the Nordau kind, but is it art!

Those who had the courage to wade through the bulky volume pompously labelled *Degeneration* found an enormous, though ill-digested, mass of facts. The writer had ill-comprehended his subjects, and to make them measure his iron bed of a theory of universal degeneration the unfortunate artists, com-

posers, poets, philosophers and romancers were tortured and stretched to one implacable length. If they didn't fit it, woe be-tide them!—the hair was pulled up by the roots. If too long, Surgeon Nordau calmly sawed off their head or their feet—it didn't matter which, depending, as it did, on his position at the operating table.

After the first indignation wore away, the colossal impu-dence of it all penetrated the brains of the fooled public, and since then Nordau has not been taken seriously. He has a wolf at his door, a phantom wolf that growls and barks whenever he puts forth a new book. It is his *Degeneration*. Now this is hardly fair to a man of brains, who writes in a lively, entertain-ing manner, who often has something to say. We knew that, carried away by the brilliant, sophisticated theories of Cesare Lom-broso, his disciple Nordau saw in almost every man of talent a criminal, in every man of genius a maniac. His inferno of genius had as many circles as Dante's; it held divisions for the pseudo-genius, the Mattoid, and it boasted sulphurous gulfs wherein such men as Ibsen, Tolstoi, Nietzsche, Zola, Richard Wagner, Baudelaire, Verlaine, Maeterlinck and many other nineteenth century geniuses, more or less known, seethed and suffered for daring to be themselves. It was all too exact, too logical. The very standards in this case, anthropometric measurements *à la* Lombroso if applied to Beethoven, Michael Angelo, Dante, or Goethe would disclose insanity of some sort. Lombroso did diagnose Dante's case and found pronounced symptoms of marked epilepsy, mania of persecution and a sufferer from visions. On this basis Milton might be dragged in, and Homer too. (Couldn't Lombroso and Nordau be called—after Flau-bert's inane heroes—the Bouvard and Pécuchét of psychiatry?)

However, when other symptoms fail these new literary mad-house doctors fall back upon epilepsy, dear old epilepsy, disease of genius. All the big guns of art, literature, science, warfare, were epileptoids, from Cæsar to Flaubert. Handel, Napoleon Bonaparte, Swift, Lenau, Dostoievsky, Mahomet and many others "threw" beautiful parti-colored fits for the good of posterity. Schiller loved the smell of decaying apples—some-thing in this! said the sniffing Lombroso. And Schopenhauer—

isn't his pessimism symptomatic? Ha! Let us see. Yes, he quarrelled with his mother when young, was darkly disrespectful to Goethe—perhaps he had a nice Hamlet-like reason—was afraid of the cholera, and detested bores. Symptoms, dangerous symptoms, all of them. But if he hadn't written *The World as Will and Representation*, Schopenhauer's habits would have been set down to harmless eccentricities. Even Michael Angelo has no longer a moral leg to stand upon. Consult Parlegreco's life. The sonnets are now adduced, as were Shakespeare's, as evidences of an abnormal sex element—the less Angelo he, as Browning would have said.

Well, after a slaughter of the innocents, magnificent in its extent and variety, Nordau sat down to a serious study of the men he had attacked. The result is this book, with the addition of a series of studies on the modern French stage.

After proving to his own satisfaction that Balzac was not a realist, that Guy de Maupassant was an erotomaniac, that Anatole France has great talent, Monsieur Max startles us with favorable opinions on the work of Maurice Barrès. Now, Barrès had not written *Les Déracinés* when he first attracted the malevolent curiosity of Nordau, and his novels were sufficiently original and filled with thought-stuff to merit some consideration. Not so for Max. Barrès was furiously assaulted in *Degeneration* as an anarchist, an immoralist. Since then he seems to have improved somewhat. Then we are treated to three studies of jealousy, superficial in character, in which are jumbled the names of Shakespeare, Anatole France and Lucien Muhlfeld. Why not Nordau's also? He has suffered in his time from the worst kind of jealousy—jealousy of other men's gifts. Othello, it need hardly be said, is in our author's eyes a creature of the bull type, and a bull at the mating period of the year. Furious, he lowers his horns and charges at every other male of his species that approaches his sacred enclosure. But this is a physiological detail, not a psychological. Shakespeare—who, it is to be hoped, never reads Earth criticism in Olympus—meant a few other things with Othello than the mere exhibition of animal jealousy.

In Anatole France's charming novel *Le Lys Rouge* there is a close study of jealousy by a master, though not a Shakespeare.

We confess without pride to missing the *Le Mauvais Désir* of M. Muhlfeld, whose study, so Dr. Nordau asserts, is clinical in its demonstration of the monster with the absinthe-colored eyes. Let us pass over the reopening of the Verlaine case—Nordau now makes some feeble amends for his brutal and reckless assertions in his earlier volume. It needed no Nordau to inform the world the sort of man and poet Verlaine proved himself. Verlaine told us all about himself, told us far too much. Nor does the alleged opaqueness of Mallarmé's poetic meanings frighten us. There was a time when Wagner was called a madman, Robert Browning a mystifier. The time may arrive when good French school-boys will take up *L'Après Midi d'un Faune* as a parsing exercise. It is certainly not more difficult than Browning's *Sordello*. And it is foolish to attack a man for not publishing many books; rather should he be praised. Mallarmé's sensitiveness on the subject was proverbial. He held, and justly, that too much printed matter infects the world with literary leprosy. So he left a few precious volumes of prose and verse, exquisite, alembicated, and full of novel cadences.

But Nordau, whose sense of humor is certainly not racial, did not see this. He venomously attacked Mallarmé for not writing and Wagner for writing too much. The latter is a graphomaniac, the former—what the deuce is he? Ibsen for being an individualist is damned as an anarch who would dynamite the cosmos; Tolstoi for preaching the gospel of pity and brotherhood is a degenerate whose socialism will disintegrate humanity. Wagner can't write music—he only compiles; Claude Monet can't paint—he has a disease of the optical nerve.

However, the doctor can narrate a good story. When he tires of "psychologizing" or moralizing over love, he tells a little anecdote. One in this volume of essays is about Mallarmé's visit to a Belgian town where he was to give a conference, as the great living representative of French literature. In solemn silence his audience heard him read the first few pages of his *Divagations*—his prose has at times the same cheerful irrelevance as Arthur Rimbaud's—then restlessness supervened, followed by indignation and stupefaction. What? How? Who? Why? Where? Finally a general in full uniform arose

brusquely, and, to the noisy clanging music of spur and sabre, left the hall, angrily crying:

"The fellow who is reading us this idiotic nonsense is either drunk or a fool." Nordau pleasingly adds that he cannot contradict the military gentleman. Of such is the kingdom of criticism *chez* Nordau.

The other anecdote that he dug up is worth retelling. One day, when Mme. George Sand was a very old woman—in 1870—she went to visit the Minister of Instruction. There, being detained in the ante-chamber, she fell into a pleasant conversation with a venerable, well-kept gentleman who wore the rosette of the Legion of Honor. After a half hour's chat the unknown arose, consulted his watch and then bowed to Mme. Sand.

"If I could always find such a charming companion I would visit the Ministry often," he gallantly said and went away. The novelist called an attendant.

"Who is that amiable old gentlemen?" she asked. Ah, that was M. Jules Sandeau of the French Academy. And he, on going out, inquired the lady's name. George Sand! There must have been a lot of head shaking over the mutability of human affairs, particularly of love, when these former lovers reached their respective homes. Sandeau, I need hardly remind you, was the man—the first of the men—for whom Aurore Dudevant left her husband.

Having about exhausted his visiting list among contemporary poets and fiction makers, Dr. Nordau invades the theatre, with the result he may some day publish another book explaining that he was too severe on Dumas *filz*, De Bornier, Brieux, Paul Hervieu, Donnay, De Curel, Jacques Normand, Octave Mirbeau, Sardou, Jules Lemaitre and Edmond Rostand, for these are the men treated. Incidentally, he hurls a lump of mud at D'Annunzio, who is called every name in the rogues' calendar. Why? For simply daring to write as he and not as Nordau wishes. But "decadent" no longer means anything—unless, indeed, it is an honorable appellation. Usually it signifies talent of an unusual order.

One thing we can't help noting. Octave Mirbeau was called a *crétin* for praising Maeterlinck in 1890. He certainly overdid

the business when he termed Maurice the "Belgian Shakespeare." Nordau foamed at the mouth—metaphorically speaking—when he considered this slip of Mirbeau's. Behold in *Vus du Dehors* Mirbeau is a big, strong talent. He is poet, dramatist, critic and the very devil of a fellow. Is it possible that Nordau has discovered all this through personal acquaintance? Perhaps the funniest thing in the book is the reason he gives for his attack upon the Maupassant memorial in the Parc Monceau, Paris—the nurse girls and *jeunes filles* might ask the name of the naughty man, and what could a virtuous mamma answer?

A brief *résumé* of the opinions of the author on the modern French stage will not elevate one's opinion as to his critical acuity. "The Psychology of Alexander Dumas *fils*" opens the series. Dumas the younger, we discover, suffered from a form of Cæsarean madness, known as delusions of grandeur. He once was unlucky enough to say that he wished he had been born a dictator. That phrase suited the Nordau horoscope. Liszt once wished to be a diplomat. What boy has not yearned to be an engine driver, a fireman, a President or a policeman? Nordau, furthermore, discovers the fact that Dumas, his life long, inveighed against conventional marriage because he was born out of wedlock; that he sympathized with the *cocotte* for similar reasons, and a lot more of the same sort. Dumas wrote as he did, not because of subjective "impulsions," but because he was, like most Parisian dramatists, an opportunist. If the Nacquet divorce bill had passed a quarter of a century earlier Dumas still would have produced some thrilling plays on the evils of divorce in family life. What Nordau or anti-humorists of his type never see is that a dramatist is first an artist, then a social agitator. It is so with Ibsen; so is it with Dumas. The shock of the battle and the clash of situations are the desirable things. Let life manufacture them; the dramatist must refashion them for the footlights.

Therefore, the folly of ascription to an author of all the ideas and acts of his characters. Some day the worthy Nordau may realize this. He pitches into Henri de Bornier for *Le Fils de l'Arétin*, not because of its dullness alone, but for the selection of such a character. The one thing of interest in the article

on M. de Brieux and his three or four plays is the violent attack on Ferdinand Brunetière, whose narrowness of critical vision for a wonder actually gets on Nordau's nerves.

We all recall this solemn critic Brunetière, who spoke so pontifically about the Bankruptcy of Science. What science? one is forced to ask. Nordau, unconsciously recognizing a kindred spirit, lashes with inky scourge the lamentable provincialisms of this professor. M. de Brieux comes in for his share because he floats with the times and utilizes the popular feeling against science in clerical circles for his plays. Suppose his scientific characters are weak in science; they furnish subject matter for the dramatists. Paul Hervieu's powerful *Les Tenailles* and *La Loi de l'Homme* are castigated because the author poses a problem and does not offer the solution. This is very uncritical, brother Max! What has the dramatist to do with social or religious prophylactics? Sufficient if he sets before us, according to the conventions of the theatre, a thesis dramatically considered. All the rest belongs to the province of the pulpit.

Maurice Donnay comes in for his share of hard knocks. He is "blagueur" of the *Chat Noir* order. He writes the *comédie rosse*, and in *Le Torrent* emulates *Rosmersholm*, *A Doll's House* and *The Pillars of Society* of Ibsen. There is a superadded dash of Jean Jacques Rousseau and George Sand. There are some strong situations in *La Douleureuse*, but Nordau won't have the piece. It is not a satire on real life; Donnay is not a painter of Parisian manners, the very things for which he has been acclaimed. And Nordau actually, in the course of a review of *Comment finit l'Amour*, speaks enthusiastically of *Solveig*, the faithful one who awaited for years the return of Peer Gynt, the most expressive figure that Ibsen has created—what's this? We rub our eyes with amazement. Praising Ibsen—Nordau? What next?

The article on François de Curel is long and interesting. Nordau believes this aristocratic dramatist, who is at once a man of talent and a millionaire—oh, happy conjunction!—should cease his Ibsen imitations, as in *L'Envers d'une Sainte*, which is Rebecca West in *Rosmersholm*, and dramatize Siamese twins; both ladies very much attached to each other. A young man

worships one, the other doesn't admire him. Here is tragedy of an exotic character for the exotic taste of De Curel. The analysis of *La Fille Sauvage* is not without its justification. Of Octave Mirbeau we have spoken. *Les Mauvais Bergers* is treated. Without Zola's *Germinal* and Hauptmann's *Weavers*, this anarchist tragedy would never have seen the light. Perhaps Sardou is pulled to pieces for his *Spiritisme*—rather late in the day. New York did the same when the play was produced at the Knickerbocker Theatre years ago. No necessity of blaming Sardou for selecting the theme. Spiritualism was in the air and Sardou was said to be a believer. Even if he were not, he was at liberty to deal with the matter. We repeat—the majority of dramatists are opportunists. That the piece was “a farce of adultery” and a failure has nothing to do with the playwright's prerogative of selection.

The case of Jules Lemaitre is speedily disposed of; his pet aversion, Georges Ohnet, the Hall Caine of Paris, is “revenged,” according to Nordau in the critic's play, *L'Ainée*. One fails to see the point, especially as this brilliant and sympathetic critic (recently dead) has written several beautiful books and plays. As a spiritual stepson of Renan, his amiable irony and delicate humor must make him very trying reading for Nordau.

Really, why does a man who hates art, who is a self-confessed philistine, write so much about it? What are its fascinations for him? He has no sense of beauty; he entertains a blind hatred against success; has he even the excuse of being *poète manqué*? After reading the Nordau plays and novels one begins to understand. He is devoid of originality, of style, of genius. Hence these furious assaultings of the serene masters in their towers of ivory.

Edmond Rostand is the final subject of the Nordau scalpel. He knew that Rostand recognized the perpetual demand by children, great and small, for fairy tales. *Cyrano* is one, *L'Aiglon* is another. Both are romantic theatrical caramels sweet in the mouth of Frenchmen. Why complain of this playwright's psychology? *L'Aiglon* is not a drama, but suitable for a text accompanying the *Ombres* of Caran d'Ache at the old *Chat Noir*, he asserts. It is also, he declares, later on, the can-

ticle of canticles of *chauvinisme*. After all, why criticize the criticism of a criticism of a critic? It is as futile as composing a sonnet on a sonnet that has for a theme, the Sonnet.

III

Our little schoolmaster summons the great painters and sculptors of Europe before his desk, and after lecturing them proceeds to give them good and bad marks. This old-fashioned method of criticism has its precedents. The lecture which begins the book on *Art and Artists* is naturally devoted to that shibboleth of all misguided amateurs—art-for-art. If there is a phrase that may be warranted to throw into rage a certain class of philistine, it is “art-for-art.” Now we know an artist cannot create *in vacuo*, cannot forever live in his ivory tower if he wishes to produce great art. But for him personally it must always be art-for-art’s sake. Art is art because it is not nature, as Goethe wisely observed. Art is not and never can be democratic. People who claim that it may be are usually thinking of self-playing pianos. Its essence is personality, and though you may talk of Millet’s peasants, Meunier’s workmen or Wagner’s socialistic music-dramas, it is always Millet, Meunier and Wagner who were artists first before they could bode forth their dreams in color, clay and tone. That these dreams are touched by sympathy for the proletarian, and therefore appeal to the democrat, does not render any less individual the art that inspired them. Nordau finds that the cave-dwellers, the men who drew rude designs upon the walls of pre-historic caverns, were the first devotees of art-for-art. Since then Greek sculptors and poets glorify the gods and rulers, and in the Middle Ages artists worked for church and king. Nowadays they must work for the people—else be neglected. Again looms up our socialist with his democratic art. “Universal suffrage has dethroned church and royalty, and remains the artist’s only patron.” Notwithstanding this the true artist will always remain true to his own dreams; in a word, true to art-for-art.

After finishing *On Art and Artists* you gravely doubt if there

is anything but falsehood in the old maxim that there is no disputing tastes. To be sure there isn't; it would be a waste of time, for instance, to argue with Nordau that Hogarth was a superior artist to Cruikshank. Nordau thinks otherwise, and, shades of Apelles! he deliberately sets down in black and white this conviction. Now what are you to do with such a man? Fire the book—literally? No, it is too concrete an object lesson of how *not* to write about art. However, there is a modification of tone that is rather amazing. Max is almost amiable at times. He makes little jokes, and after underlining them he retires temporarily to smile at his own wit. We don't propose to consider his chapters. He has read much newspaper criticism in Paris, where he once resided, a model citizen and one who, in the medical profession, has done much for his fellow-beings. Be it understood it is the scalp of Nordau the desperately bad æsthetic critic that we are after; the man Nordau is noted for his philanthropic sentiments and practices. He is an unselfish Socialist, that *rara avis*. It is a pity that he suffers from an æsthetic tic; i. e., a nervous obsession which forces him to attack modern art and artists. He is the self-elected *agent des mœurs* to all Europe. His slaughter of Rodin leads us to believe that his own ideals of sculpture are to be found in the marble monstrosities of the *Sièges-Allée* in Berlin.

Nearly every page of his book contains some graceless ineptitude, some crass misstatement, some grotesque error in taste. It is amusing, the manner in which he disposes of Edouard Manet and the Impressionists. One fancies oneself back to the warlike days of 1867 and the Salon of the Refused. Only a few years ago saw Manet's admission to the Louvre; in 1904 Césanne enjoyed his apotheosis. To spend pages of malice upon the nudity of "Olympe" seems a trifle comical to the looker-on in Paris. The admirers of Manet, indeed, Manet himself, did not consider this picture his masterpiece. "Olympe" is a species of ironic cartoon, a satirical pendant—perhaps—to Titian's Venus in the *Tribuna*—an exercise by a distinguished draughtsman, withal a picture of disquieting power. One would suppose, however, after reading Nordau, that it was a pictorial crime. And "Olympe" hangs in the Louvre, near the Davids and the can-

vases of Ingres, and not out of key with them; he reveals himself, instead, in the line and tradition of sound French art. What does Nordau say to that fact? Possibly he makes wholesale intimations of decadence! He abuses Puvis de Chavannes, but praises Eugène Carrière. Why? Simply because the latter expresses as no painter since Raphael the idea of maternity. But as to the artistic merits of Carrière he is strangely silent. Possibly he fears some one with a long memory may recall the fact that he attacked this style of painting—"cavernous, swimming in a broth," &c.—in his *Degeneration* (in the introductory section). Gustave Moreau is ill-treated, and Whistler, to our amazement, is a morbid painter. The old cloven hoof of the truffle-hunter of degeneration is again revealed. Who is to blame, Nordau or Whistler? And to our further consternation we learn that there are suggestions of diabolism in the exceedingly graceful feminine portraits of our fellow-countryman, the late John W. Alexander. Wonderful Nordau! What a scent for evil!

We have endeavored to show the follies of this book, which is read and quoted by the ignorant and by all haters of art and artists. Max Nordau is the spokesman of this philistine class and the banner-bearer of all that is morbid and vulgar and commonplace in the criticism of art, life and literature. He breaks constantly the Thirteenth Commandment: Thou shalt not write about things of which thou art ignorant!

IV

Dr. Nordau, returned to his earlier and much more plausible manner, the manner of his clever and readable *Paradoxes*, though he has "tackled" a rather "large order" in the shape of universal history. His book bears the modest title of *The Meaning of History*. We have not seen the original German, only the French version, *Le Sens de l'Histoire*, translated into that tongue by Dr. Jankelevitch. The essay is bound to be read, and is extremely iconoclastic, as is the wont of its author. But—and there is always a capital "but" in the Nordau case—the

main thesis is directly derived from the sterling essay of Friedrich Nietzsche, *The Use and Abuse of History*, written in January, 1874, when Nietzsche was mentally most vigorous; it will be found in his volume *Thoughts Out-of-Season* (Part II). It may be recalled that this is not the first time Dr. Nordau has adapted a leading idea from Nietzsche.

We say the chief arguments in Nordau's book are taken from Nietzsche, but with a difference, and that lies in the lack of measure to be found in the living man's plan of attack. For him the historical sense is not a "sixth sense"; indeed it is no sense at all, unless a flowering of the æsthetic sense. Mythomania is all history, and all historians are mythomaniacs. This he does not express in such exact terms, though his import is unmistakable. We detect in his work the currents of pragmatism, or of its superior French variety, the realism of Henri Bergson. Let us first survey a few sentences of Nietzsche on the abuse of history. For him the historical sense is a malady from which men suffer, the world process an illusion, evolutionary theories a subtle excuse for inactivity. "History," he is never tired of repeating, "is for the few, not the many; for man, not youth, for the great, not the small. . . . History has no meaning except as the servant of life and action; the most of us can only act if we forget." He condemns the "noisy little fellows" who measure the motives of the great men of the past by their own and use the past to justify the present. "The historical sense makes its servants passive and retrospective. . . ." You can only explain the past by what is highest in the present.

Thus Nietzsche. Nordau is not so broad-minded. History has no scientific value, he stoutly declares, and supports his contention with a wealth of illustration, some, it may be confessed, ingenious, even convincing. And he does it all with a freedom from metaphysical verbiage that is refreshing. History is not a descriptive science, because objective reality will always remain inaccessible to the human brain, constructed as it is to formulate *a priori* notions, but so impotent in the apprehension of actuality. If history were a rational science it would be possible for a historian to foresee events, which, of course, is impossible. History does not repeat itself; a facile epigram is the

converse. History is fiction, the product of highly specialized brains selecting, as do all artists, their particular themes or events or material and dilating upon them in all good faith, though often naively. A novel with a strong tendency motive is history; therefore its educative value is next to nil. It is a form of æsthetic activity delightful in the hands of those great imaginations we call historians.

Consider, exclaims Nordau, how near to us is Napoleon. Yet, which Napoleon are we to accept from the historians? The Napoleon of Taine, that Corsican bandit, or the Napoleon of Sir Hudson Lowe; or of Lanfrey, or of the subtly destructive Anatole France (Nordau does not quote the gentle Anatole, but he should read *The Red Lily* for a poisonous depreciation of the First Consul). Then, there are the Napoleons of Hugo, Lamartine, Tolstoi, and Rémusat. Or the hero of Heine, with a hand as white as marble. Which is the real Napoleon? All or none! Possibly the latter, according to Nordau, for no man, not even the conqueror himself, knew the genuine Napoleon; every judgment of him is subjective, *ergo* imperfect. This argument, as old as Pyrrho, might be applied as a sort of acid test to the silver and gold of historians, and baser metals be discovered as the result. But we must endure the limitations of the human intellect or leave the field to the absolutists. We know without being reminded by Nordau that whether it be Niebuhr or Mommsen, Gregorovius or Porson, Gibbons or Michelet, Jacob Burckhardt, Montesquieu, Thiers, Mignet, or Guizot, that their pictures of a vanished civilization are more or less evocations of powerful imaginations sustained by erudition. Herodotus and Plutarch drew the long-bow; but we could ill spare them. Which we may ask, in the Nordau vein, is, what is the real England—the England of Hume or Macaulay, of Froude or Freeman? And we are sure that the Paris of Carlyle's French Revolution was such a pit of fuliginous gloom as set forth by the atrabilious Scotch philosopher. Despite the inevitable subtraction of the personal equation, history hath its uses and though this is a truism we should like to ask Dr. Nordau how he would fill in the mental chasm in his memory if all that he knows of history suddenly became *tabula rasa*?

The body of the book is devoted to theories long since formulated by Professor Quinon of Paris, as to the origins and development of life on the planet. The law of biological constancy has been studied and expounded by Quinon and the late Remy de Gourmont. Nordau falls into line of the necessitarian argument; he is a determinist, and he believes that the spur of pain has been the chiefest factor in the struggle for existence; man has ever been in flight before suffering, whether hunger, fear of his wild environment, or the inhospitality of climate. Yet he has lived in a perpetual effort to adapt himself to his surroundings. He is not the highest point of the evolutionary ladder; there is no such ladder. He is the highest of his own genera; a primate, who because of some favoring accident, a richer nourishment than his first cousin the anthropoid secured, was enabled to develop his cranial convolutions. With the appearance of sensibility came an increased capacity for pain. The evolution of the hairy precursor of man to the dweller of the stone age, or a previous age—for all this is in the haze and conjecture of history (always history!)—must have been slow and uncertain. Naturally there was no beginning, as there will be no end, to matter; eternity is now. And while Dr. Nordau did not say all these things in the precise way I write them, he, as may be seen in his *Paradoxes*, practically subscribes to them. In a word he, too, is a man of certitudes; he denies history in the very making of it; he even adds to it with such an interesting, withal sophistical book as his latest one.

In conclusion, Nordau's amiable opinion of both Walt Whitman and America (in his *Degeneration*, p. 231) may throw some light on his conception of our form of government: "In his patriotic poems he—Whitman—is a sycophant of the corrupt American vote-buying, official-bribing, power-abusing, dollar-democracy, and a cringer to the most arrogant Yankee conceit."

THE GARDEN OF GEDDES*

HUNTLY CARTER

VI

AFTER the visualization and re-interpretation of Edinburgh came the return to London. In the darkened room at Mexico Geddes conceived the plan of that great work which was to be the central activity of his life. In the years that followed he offered to Edinburgh the first fruits of this activity. And now he attempted to continue this work in London. So we can imagine him arriving in the great metropolis of the Empire with an impelling civic ideal and the ever-pressing question, "How is this to be realized? How are my theories of civic degeneration and regeneration to be expanded and applied so as to make this vast city, and indeed all other vast cities, less ignoble and more desirable avenues to the ideal human life?" This doubtless was the large and ambitious query at the back of his mind. But the way of science is always indirect and mostly circuitous. Hence one of the approaches to the civic problem of London was the formation of the Sociological Society. In the moulding of this organization he was greatly assisted by an old colleague, Mr. Victor V. Branford, to whose ability, encyclopædic knowledge, long and incomparable loyalty and organizing power, Geddesian movement owes much. To those who desire, not a systematic exposition of the Geddesian philosophy, but a presentment of it as illustrated in its practical application, Mr. Branford's book *Interpretations and Forecasts* may be commended.

The Sociological Society, then, was organized by Mr. Branford, aided by the generous benefactions of Mr. Martin White and welcomed by the brilliant group of present-day sociologists living and working in all parts of the world who were seeking to bring, in London and elsewhere, their ideas to a focus. It was formed for the purpose of the application to society of

* Commenced in the October number.

scientific method. Systematic Sociology was but little understood in this country, the general opinion being that sociology was assuredly an idle, apparently a dangerous pursuit. This opinion is clearly indicated in the following extract from Mr. Branford's published lecture on *Science and Citizenship*, wherein he says: "There are those who tell us that there is no proper science of society because there are no known sociological laws. Others go still farther and say that the nature of human society is such that no social laws are discoverable, that there is no science of human society, that sociology not only does not, but never will, exist." The frank proposal to make an application of scientific principles to the whole of society has in the past been received with scepticism, in some quarters with ridicule. Socialism, hopelessly engaged in ransacking its little economic world in search of a means of reconstructing a society slowly crumbling to pieces beneath the weight of materialism, placed the followers of the new science among the infidels; thereby reserving to itself the right to prove that it is capable of making unheard of mistakes. Perhaps the best answer to the question whether the Sociological movement was a necessary and right one is to be found in the fact that to-day Socialism has widened its basis of action and having assumed the cloak of Sociology exhibits as its main object the application of science to social organization.

In the papers which he read before the Sociological Society, Geddes revealed the need, aim and scope of his science of Civics, and showed that not the last word had been said on the subject;—perhaps the highest, certainly not the last word. These contributions to applied Sociology may be summed up in the words of Professor J. Arthur Thomson, where he says: "Just as Galton has been for much of his life a practical investigator of heredity problems, so Geddes has for many years given much of his time and energy to practical experiments in city improvement, or, more generally, in Civics, which may be defined as the application of Social Survey to Social Service." Galton sets forth the intimate connection between a scientific demography and a practical eugenics; Geddes sets forth "the indispensable foundation which a scientific survey—geographic

and historical—of cities affords to those who would work toward the legitimate Eutopia possible in any given city, and characteristic of it.” Galton discovered the word “Eugenics” and Geddes has capped it with “Eutopia.” The one ideal concerns the organism—the citizen; the other the environment—the city; to complete the prism we must have the ideal of function or occupation. The lectures then revealed that Geddes’ main ambition was now the Survey of Cities. The problem before him was of the deepest significance and complexity. He knew that men’s knowledge of their environment, in town and cities, if deep and intimate enough would set them mining and moulding—seeking for the truth and beauty of the human soul that reside in the things of the past, and shaping the things of the present according to the new desire thus created. He saw that men ought to have some conception of the whole of that of which they are a part before they attempt to make anything new of it. They must, accordingly, learn to see the town or city in its three-fold aspect, as an eloquent note of the past, as a living image of the present and as a distinctive prophecy of the future. They ought in fact to know out of what conditions the town or city grew; to ascertain what is the true or false in these conditions; to trace the effect of such truth or corruption in everything around them; finally, to understand how in the truth of things lie the incipient growths by which the fulness of the past is connected with that of to-morrow. And all this had to be taught practically; not for the sake of merely teaching others to speculate on what has been, is, or might be; but to set them actively to work in the direction of realizing things that are to be.

His first object was to get established some fixed centre in every town and city throughout England for the teaching of the meaning and significance of City and Sociological Survey to citizens even of the humblest degree. He wanted indeed an institution which he called a Civic Museum wherein should be centralized and focussed the whole life, both historical and contemporary, of the centre to which it belonged. Such an institution, if properly adapted as a centre of vision, would form a much-needed civic observatory for the training of the citizen to

a proper knowledge and appreciation of his own city. It would be at once an Outlook Tower affording a concrete view of the city and its surroundings, and an Inlook Tower affording a reconstruction in minute detail of the same concrete view of the city, citizen and occupation, by means of models, pictures, diagrams, bibliographies, indices, etc., enabling all alike to obtain a clear idea of the city, its region, and its relations to the world both from the point of geography and history. It will be gathered from this that Geddes made a great deal of the civic function of government and foresaw that the supreme Temple of the future would be this Civic Epic in Stone to which all the ways of the city would lead up and wherein man would be initiated in the mysteries of his civic soul and go forth inspired with a great vision.

In the attempt to establish a Civic Museum as a means of City Survey, we find Geddes seeking and obtaining help in his task from the reading of his papers before the Sociological Society, and by setting forth in this and other ways, practical proposals for the application of his ideas to Libraries and Museums by Librarians and Curators. By his University of London lectures he also made many converts as much by his personal qualities as by his illuminating methods of teaching; while conferences and congresses which he attended as delegate of the Sociological Society still further enabled him to promote the interests of his great work.

The avenue to the beginnings of a "Cities Exhibition," the germ of what Geddes termed "a future 'Towneries'" and likely to be of "great interest in itself in provoking innumerable comparisons and suggestions," was opened to him by the Town-Planning Congress at the London Guildhall in 1907. The results of this conference of distinguished men interested in the growth and renewal of cities, pointed to the increasing interest in town-planning, the awakening of the civic conscience, the coming of annual civic stock-takings, the survey of town and city areas with a view to improvement, embellishment and extension, and the urgent need of the coördination and systematization of the parts, and the extension of the whole of the work to be undertaken. Accordingly, it was suggested

"that the congress should not disperse without leaving among its permanent results an impulse toward the formation of a Cities Survey Committee. This would attract and supply Town-Planners with the basis of knowledge which they require, and help toward civic interpretations as well. It would advance positive opinion in every city." The proposals were placed before the Sociological Society and in 1908 a Cities' Committee was formed to promote the Survey and Investigation of Cities and the Study of Civics. The Committee was no sooner formed than its work was rapidly proceeded with. Under the active direction of Geddes, Surveys were initiated at Chelsea, Battersea, Woolwich, Leicester and elsewhere. Local committees were formed for the purpose of surveying the geographical and historical developments of towns and cities, their industrial and other present conditions, their advantages and defects, and of promoting the conditions of their future developments. Exhibitions of plans, pictures and other illustrative material bearing upon the subject of the Survey were held in suitable institutions, and in this and other ways the foundations of Civic Museums were laid.

So from the Sociological Society Geddes may be said to have obtained the first stones of the Temples of his projected Earthly Paradise. Chelsea also contributed materially toward the new structure. It provided him with exceptional means of illustrating his methods of City Development. Thus the borough which in former days had brought him so close to Carlyle and Ruskin now became again one of the centres of his life and activities. Geddes saw the immense practical possibilities of Chelsea. A meeting was convened by "The Utopians" (a small group of workers actuated by the inspiring ideals of their founder, Miss Dorothea Hollins) at which Geddes pointed out the special features of Chelsea which would render it "a most hopeful starting point for voluntary effort in the betterment of town-life." He pleaded for the coöperation of Chelsea people representative of all interests, cultural and practical, historic and idealistic, and in response a committee was formed to carry out his ideas. Chelsea was invited to become once more the cloister of art and thought, of deed and action; its Town

Hall and Library were invited to exhibit it in its three-fold aspect in the past, present and possible; local and adjacent institutions were invited to unite and give it its true development as a University City; its growing University Hall of Residence designed on the lines of the Edinburgh one, and appropriately built on a site associated with Sir Thomas More, was planned to form a meeting ground for all classes of workers; by a brilliant stroke of policy (backed by a noble benefaction from an anonymous donor) London's famous Crosby Hall, also associated with Sir Thomas More, was added to its historic attractions, and furnished a possible centre for artistic, musical and dramatic activities. Further, the great enigma of modern social life—the separateness of its individuals and groups—was faced, and Chelsea was made to extend its welcome across the river to the working citizens and social reformers of Battersea. These came, and contributed largely to the solution of the enigma by beginning the destruction of those class barriers which had given it birth. Thus Geddes conceived greatly, whatever Chelsea's limitations be, of the possibility of the restoration of this important suburb to serve as a working model of the application of his ideas to City Development; and Chelsea in its representative people did something toward the working out of his plan.

A further and very important contribution toward Geddes' attempt to promote the Survey of Cities came from the Town-Planning Exhibition and Conference organized on a great scale at Burlington House in 1910. Here for the first time in our history distinguished town-planners gathered from all parts of the world seeking to focus their ideas and ideals in an exhibition of plans of cities both made and in the making. Never before had the problem of the city been so vastly presented. Never had its solution in the union of imagination and fact in city development been so clearly demonstrated. It seemed indeed as though the world, thrilled by the magnificence of the idea of civic replanning and renewal, had come forward with all these cases to show that something really definite was being done at last to make it not merely a useful place but a beautiful picture. Imagination was filled with joy at the

contemplation of this renewed activity, and with hope as the long processional of stately streets and squares and embellished open-spaces and sunlit and air-saturated dwelling places prelude the artistic and hygienic city, swept like a stimulating vision of so much that is going to be. From amid so much that told of man's intelligence put to splendid uses, one section stood out. It was Geddes' Edinburgh section, which was admitted to be, without doubt, the most fertile in general ideas, as well as the most comprehensive panorama of a city's origin, growth and development contained in the exhibition.

This likeness of Edinburgh was not destroyed; but at the close of the exhibition it was used as the foundation of an itinerant "Cities and Town-Planning Exhibition" designed to be sent to any city in Great Britain, America and the colonies. It was felt that nothing could be "more valuable for arousing, informing and guiding an active sense of citizenship." And indeed nothing has done more to stimulate live interest in the Survey of Cities in the centres, Edinburgh, Dublin, Belfast, Ghent, Calcutta, Bombay, and other cities at home and abroad, which it has since visited. The original exhibition was on its way to India in one of the ships sunk by that notorious raider, the *Emden*. But in an incredibly short space of time another exhibition, almost as comprehensive, was got together. Contributory material was sent not only from many places at home, but from European countries, and even from stricken Belgium. Nothing could have shown more clearly the manifoldness of Geddes' personal contacts.

VII

So we leave Geddes busy "hawking Civics in a barrow round the world," as he once termed it, and come to his sixth decade, now beginning. At the same time we find him engaged in the development of pageantry and, by the inexhaustible profusion and versatility of his genius, bringing it to unheard of proportions. His latest achievement in this direction is the visualization of history not as mere annals but humanized and presented as drama. His *Masques of Learning* offer an historic pageant of

the progress of culture and of the history of learning from the earliest times to the latest. Each epoch of civilization is expressed by a dramatized setting in which a characteristic rôle is attributed to its great representative men. Thus as the splendid chain of interpreters of human aspiration unfolds we are drawn into the magic procession of all that is most powerful and dignified in human life. Edinburgh and London have both seen this pageant and acclaimed its surpassing merits. Education generally will feel its impulse. And the spirit which animates it will surely find an echo in all parts of the world. Is not Mr. Percy MacKaye's inspiring book *The Civic Theatre* a proof of it?

VIII

Geddes' seventh decade will certainly see him carrying his work to completion in all parts of the civilized world. How could it be otherwise? Was there ever a man better fitted to conceive and carry out a great plan greatly; better equipped for seeking and shaping; more illuminating as a teacher and a guide? Have we not watched him from the very beginning extending his personality in all directions, undergoing the widest experience, utilizing every possible resource? Have we not seen him holding up to view "a general picture of the efforts of the human spirit in every field in every age" and making a courageous application to knowledge and methods of his own inspired and fertilizing ideas? Have we not heard his everpressing questions, "How can we create the *Real* Human Life? How can we create the Garden where such a life may be lived?" Have we not followed the gardener in his quest for an answer in Science, Philosophy, Ethics, Religion, Art, Social Service, and above all in the labyrinthine ways of Life itself? And finally, have we not come up to the mountain of Light than which Fuji is not more beautifully crowned?

HERBERT SPENCER'S "OVER-LEGISLATION"

WITH COMMENTS BY

E. H. GARY

[As explained in Mr. Truxtun Beale's article on "The State v. the Man in America," in the August number of THE FORUM, several of Herbert Spencer's essays dealing with excessive governmental activity are being reprinted, with comments by eminent living Americans. Among future contributors will be Nicholas Murray Butler, David Jayne Hill, Charles W. Eliot, Augustus P. Gardner and William Howard Taft.—EDITOR]

JUDGE GARY'S COMMENTS

LEGISLATION represents the effort of human beings to protect moral, physical and property rights and to promote general prosperity.

There are two kinds of legislation, prohibitive and constructive. There is the third, foolish kind: over-legislation, destructive and interfering.

Of the two useful branches of legislation, the prohibitive tells us what we must not do; its foundation is the Ten Commandments. Constructive legislation, which includes laws as to tariff, financial systems, road-building, coöperating with farmers at public expense, *et cetera*, aims to promote the prosperity of the people as a whole.

The law says, to the individual, "You shall not do this, it would interfere with the rights of others."

The law says to the community or the nation, "You may jointly do this," or "You must do this, to promote the prosperity of all."

As to over-legislation, so brilliantly discussed by Herbert Spencer, it has been the curse of nations, the cause of their downfall; it has interfered with liberty and human progress for as

many years as we have records, and many more years undoubtedly.

Over-legislation is abuse of power, self-conceit written into laws, and the arbitrary "You shall do it because I say so." The struggle of men under autocracy has been to obtain freedom from over-legislation. In Magna Charta, the English got from the King the most valuable thing they possess. And it was nothing but a guarantee against over-legislation, a limiting of the King's right to tax, dispossess, murder or otherwise oppress them in the name of Law.

My friend, who conceived the idea of this interesting series, requests that Herbert Spencer's admirable summary of conditions in England be supplemented with instances of over-legislation in the United States. Details are not needed, for the existence of this nation is in itself a protest against over-legislation.

Our Revolution was a protest against over-legislation inflicted upon us from England.

And note particularly that the very thing which we value most, the Constitution of the United States, the solid wall that stands between the people and the whim of the moment, the caprice of the legislator, tells to the highest as to the lowest what he shall and shall not do.

"Your powers are such, and you shall not go beyond them. You, the executive, shall do thus and so, and not exceed.

"You, the law-maker, you, the judge, shall stay within limits set. You shall not transgress, or through over-legislation violate the rights of others or exceed your powers."

This country is in its essence a protest against over-legislation, and what we call freedom is the result of the constitutional guaranty against over-legislation.

The continued development of this country, of freedom for the individual and the community, with increase of prosperity through developing the power of man, depends upon the life and the power of the Constitution, that instrument of common sense which says: "Keep your hands off, let men work; protect, encourage, but do not interfere."

"Law" fortunately is of all words most respected. But, unfortunately, not enough attention has been paid to differences

in law, and to the fact that law like every other force can be abused. Let us take homely comparisons.

Clothing is an excellent thing. A pair of comfortable woollen trousers is a fine thing for man in cold, damp weather.

But our genial friend of olden days in Holland, wearing seven pairs of heavy woollen trousers, was really not seven times happy. And his wife, wearing eight heavy skirts that spread out her hip measure so magnificently, was not to be envied as against her sister of another country moving free and unrestrained in one skirt warm enough.

One warm pair of trousers is common sense law. Seven pairs are over-legislation.

In this country, gentlemen are forever trying to give each of us seven trousers or skirts of over-legislation.

A man well known, enormously rich, had one child, a boy. His wealth came suddenly. Nurses, governesses and tutors surrounded the child. All that he heard was, "Look out, Take care, Don't fall down, You mustn't do this, You mustn't do that. Mamma doesn't like that, Papa doesn't allow that. Sit straight, Look out for your nice clothes, No, you can't play with that little boy."

There was a poor child suffering from over-legislation. No wonder his father, now dead, said, "I would give a great deal if somebody would tell me how a rich man's child can be brought up so as to have a decent chance in life."

What would Abraham Lincoln have been had he been brought up in a court of nurses, tutors and governesses, listening all day to the monotonous "Don't do it"?

Lincoln was born in freedom, lived, grew and developed in it. He was told emphatically, "You mustn't take what does not belong to you"; and "If you want anything you must work for it." This was all the legislation that his boyhood knew. When he wanted to read at night he built a fire and held his book close to the fire. When he wanted another book he walked miles to get it. A few tutors with their laws, and a few governesses with their "Don'ts," would have made it necessary for somebody else to settle the Civil War. The effect of over-legislation on

Lincoln's backbone would have made it impossible for him to do it.

Do you wonder why successful men are so often boys from the country? In the country there is freedom. In the city, the first thing that the child sees is the policeman who says, "Don't," the sign that says, "Keep off the grass," the rule against playing baseball. Over-legislation presses upon the mind of a child in the city, as it presses upon the brain of a community, killing originality and personality.

A man grows by the exercise of his faculties, and his most important faculty is the will. Over-legislation is an interference with the development of the individual and of the community.

Our ancestors displayed much over-legislating ingenuity. Consider—

The New England law forbidding a man to kiss his wife on Sunday.

A law against exhibiting flowers in the window on Sunday.

They were mild compared with the old laws which said, "If you don't believe in my kind of a god you must be burned alive." In the England of Shakespeare, a man of noble heart could be done to death, because he did not adopt the accepted Protestant religion.

An interesting case of exaggerated use of law is cited, I have not been able to establish its authenticity, but it is typical.

An enterprising Yankee printed some Bibles to sell to colored people in the South. In these Bibles all the saints and angels were colored ladies and gentlemen, quite black. This appealed to the spirit of some of the colored men, and they were persuaded to pay seventy-five dollars apiece for these rare Bibles which showed colored angels.

Thereupon came a law forbidding in that State the sale of Bibles to colored people. That was over-legislation. It would have been more simple to put in jail the man who swindled his simple-minded customers. To prevent all the honest manufacturers of Bibles from selling to the colored people was not necessary.

And similarly, in our own day, when one man, one group, or one corporation imposes upon public credulity, what is wanted

is punishment of that individual or group or corporation, not a hampering through unalterable law of the useful activities of all the citizens and groups and corporations.

Over-legislation sometimes expresses the desire of one class to keep another in mental subjection. For instance, the old law against teaching a slave to read.

Professor White in his admirable book on the warfare between science and theology mentions the fact that "even to the end of the seventeenth century, the oath generally required of professors of astronomy over a large part of Europe prevented their teaching that comets are heavenly bodies obedient to law."

If a slave were taught to read, he might not remain a slave. Over-legislation was designed to prevent that.

If the peasant were taught that the comet that frightened him as a threatening monstrosity is merely a mass of matter obedient to eternal law he would be less easily managed through his superstition. Over-legislation forbade the teaching of the truth, even during the life of Halley, who measured the comet's path, and accurately predicted the day and hour of its return.

If labor is free to-day, it is because over-legislation never has been and never could be permanently effective.

The Venetians possessed industrial secrets and great efficiency. Their law said that if a man should wander away from Venice, taking the skill of his fellow-workers with him, he should first be warned to come back. If he persisted, competent men should be sent to assassinate him.

But this did not keep the art of making glass and other arts that Venice boasted from spreading over the world.

English law at one time forbade the miserable laborer out of work to go from his own parish, seeking work in another. For this crime the punishment was branding with a red-hot iron. But this over-legislation did not permanently prevent men taking work wherever it was offered them. And no legislation, public or private, will prevent that at any time.

It is known to every citizen that the chief work of our Supreme Court is to prevent over-legislation. The learned judges spend their years of hard work repeating over and over again, "You cannot legislate in this manner. The Constitution forbids

it." Without the limiting power of the Constitution, we should have every country constable making laws for his village, every ardent young political gentleman planning to perfect the human race offhand by the law-making power of his own brain.

Over and over the Supreme Court has laid down the law that excessive law-making is in itself a crime against law and the rights of every American citizen, and that excessive legislation, transgressing the established limitations, is forbidden to every law-making body, from a country board of freeholders to the Senate of the United States, from a justice of the peace to the Court of Appeals. "You cannot make laws that are excessive, you cannot twist or write new meanings into the laws." That is the constant order of the Supreme Court, expressing the common sense of the people and defining the one protection under which this country has grown. Over-legislation interferes with useful activity, it cannot prevent abuses. When the punishment for trivial theft was hanging, there was more stealing than to-day.

A friend reminds me that the first known code of laws, issued by Hamurabi in Babylon twenty-two centuries before Christ, provided for the punishment of women with the familiar ducking stool. Section 143 of that Hamurabi Code, edited by Professor Harper, says:

"If she have not been a careful mistress;
if she have gadded about, and have neglected her husband, they shall throw that woman in the water."

Almost four thousand years after that piece of over-legislation went into effect, they were still ducking women in Virginia—where the husband was to pay in tobacco for scandalous talk by his wife and the wife to be ducked once "for every five hundred pounds of tobacco" that the husband failed to pay.

Hamurabi said, "Throw the woman who gossips into the water." His ancestor probably did that very thing ten thousand years before, pushing the lady into a pond. Four thousand years after Hamurabi, Virginia provides a ducking stool for

every county, and Pennsylvania and other States have their ducking stools. Gradually we see this mechanical device of over-legislation disappearing. It did not stop gossip. And abandoning it, did not increase gossip.

On the stones before the House of Parliament in London, a few hundred years ago, merchants from small cities might be seen on their knees humbly making offers of fine fish to the law-makers and begging for fewer gallows in the land. "The King has his gallows," they said, "the Bishop has his gallows. We must have our gallows to protect our shops from the thieves. But with all these gallows working, too many men are hanged."

There was over-legislation in the way of gallows, king, bishop, and the merchants insisting upon the right to hang somebody and each having his own private gallows. That was over-legislation. The number of gallows has fallen off and the number of hangings. Humanity has not suffered by it.

Admirable as is Herbert Spencer's essay on over-legislation, it is believed that the whole subject is condensed and better expressed in a line from Richter that Spencer quotes in his book on education. That the Government which governs least governs best does not mean that men are happy when they do as they please. It means that the best father brings his children up with the least possible nagging and scolding and fewest regulations. And the best Government is that which maintains order, protects the rights and promotes the prosperity of the people with the least possible amount of law writing, interference and ingenious devices for control of the individual.

There is nothing more dangerous than hampering the power of the human intellect, nothing more dangerous than any legislation that puts a limit to the daring or the enterprise of man. In the ancient days the sailors dared not go out of sight of land and the wanderings of their ships followed the coast line.

The Phœnicians, courageous Jews, who taught navigation to the world, did not say "You must not go out of sight of land." That law was not passed fortunately. For if it had been made part of the law of the sea, Columbus would have been compelled to stay within sight of the shore, and Pittsburgh would still be inhabited exclusively by Indians.

Well-meaning men in the United States believe that they serve the public, when they pass laws which say to business enterprise what Queen Isabella would have said to Columbus, if she had ordered him to remain within sight of land. Fortunately, instead of that she sold her jewelry and said to Columbus, "Go as far as you like." He went, and we who live in his discovered land get the benefit.

It will be said that those who oppose over-legislation demand freedom from wise legislation. All men make mistakes, and checks and counter-checks are needed. Herbert Spencer, for instance, whose wisdom is shown in this essay, most ardently implored his contemporaries to give up their foolish efforts to use "the electro-magnetic battery." He said that the most foolish thing, the most useless squandering of money was represented in the effort to make electricity take the place of steam. He declared solemnly that if men understood anything about science they would know that it was impossible.

He would be surprised if to-day he rode on a trolley car, or was towed by one of the electric engines of the Pennsylvania Railroad, and would be glad that his attempt at intellectual over-legislation, the effort to persuade men to stop men trying to use electricity in place of steam, had failed.

In all the effort for wise legislation and against over-legislation two great tasks and duties should be borne in mind. To protect the individual against the greed and cunning of others, and to prevent interfering with the fullest development of human ingenuity and power.

Enforce the law of Plimsoll line by all means, do not let the owner of the ship through greed risk his sailors' lives; but do not tell him that he shall not build a ship larger than his grandfather built it, or that he shall not carry soup and coal in the same ship if he wants to, and can do it.

Protect the children against those that exploit them, protect the workers of all kinds, big and little, against unfair competition from abroad, harsh conditions and unreasonable and unhealthful hours. But do not limit opportunity by limiting power. We know that what seems over-legislation in one phase of society may be simple common sense in another. The Red Indian

would find it hard to express his contempt for game laws. The cannibal islander would have said to you innocently, "If you forbid cannibalism, my children will starve."

The nomadic Tartars, described by Reclus, while on the march cut meat from the bodies of the miserable animals that they drove before them and kept those animals moving, as they were gradually eaten. They would have resented as foolish over-legislation any law for prevention of cruelty to animals.

It is necessary for a democracy to protect itself against crimes by the individual, and unjust exploitation by the men of unusual cunning, but it is not necessary and it is not wise by over-legislation to limit man's efficiency and productive power.

Those who sought by law to prevent the use of locomotives because they would put hundreds of stage-coach drivers out of work could not see that the same locomotives would employ millions of men.

The woman who persuaded her husband to destroy his first model of a sewing machine because it would take work from poor sewing girls represented the over-legislation idea admirably.

If she had had her way, Hood's *Song of the Shirt* would still be sung. The electric sewing machine to which the sewing woman is now harnessed is not ideal, but it is better than the needle and the eyesight destroyed.

When we read Herbert Spencer quoting with approval the official statement, "Wherever there is government there is villainy," we remember that it is also true that wherever there is no government there is anarchy.

The task of mankind is still, as in the day of Aristotle, to find the just medium, to avoid excess, to strive for the ideal, "Not too much, not too little."

There is a dangerous excess of law-making at the present time, especially in the States, though they have no monopoly of it. Almost every conceivable form of bill is introduced and too many of them passed; and as to a large percentage of them, there is much waste of time and expense in determining whether or not they are constitutional or practical. The adjournment of legislatures brings a general sigh of relief.

FROM time to time there returns on the cautious thinker, the conclusion that, considered simply as a question of probabilities, it is unlikely that his views upon any debatable topic are correct. "Here," he reflects, "are thousands around me holding on this or that point opinions differing from mine—wholly in many cases; partially in most others. Each is as confident as I am of the truth of his convictions. Many of them are possessed of great intelligence; and, rank myself high as I may, I must admit that some are my equals—perhaps my superiors. Yet, while every one of us is sure he is right, unquestionably most of us are wrong. Why should not I be among the mistaken? True, I cannot realize the likelihood that I am so. But this proves nothing; for though the majority of us are necessarily in error, we all labor under the inability to think we are in error. Is it not then foolish thus to trust myself? When I look back into the past, I find nations, sects, theologians, philosophers, cherishing beliefs in science, morals, politics, and religion, which we decisively reject. Yet they held them with a faith quite as strong as ours: nay—stronger, if their intolerance of dissent is any criterion. Of what little worth, therefore, seems this strength of my conviction that I am right! A like warrant has been felt by men all the world through; and, in nine cases out of ten, has proved a delusive warrant. Is it not then absurd in me to put so much faith in my judgments?"

Barren of practical results as this reflection at first sight appears, it may, and indeed should, influence some of our most important proceedings. Though in daily life we are constantly obliged to act out our inferences, trustless as they may be—though in the house, in the office, in the street, there hourly arise occasions on which we may not hesitate; seeing that if to act is dangerous, never to act at all is fatal—and though, consequently, on our private conduct, this abstract doubt as to the worth of our judgments, must remain inoperative; yet, in our public conduct, we may properly allow it to weigh. Here decision is no longer imperative; while the difficulty of deciding aright is incalculably greater. Clearly as we may think we see how a given measure will work, we may infer, drawing the above induction from human experience, that the chances are many against the truth of our anticipations. Whether in most cases it is not wiser to do nothing, becomes now a rational question. Continuing his self-criticism, the cautious thinker may reason:—"If in these personal affairs, where all the conditions of the case were known to me, I have so often miscalculated, how much oftener shall I miscalculate in political affairs, where the conditions are too numerous, too wide-spread, too complex, too obscure to be understood. Here, doubtless, is a social evil and there a desideratum; and were I sure of doing no mischief I would forthwith try to cure the one and achieve the other. But when I remember how many of my private schemes have miscarried—how speculations have failed, agents proved dishonest, marriage been a disappoint-

ment—how I did but pauperize the relative I sought to help—how my carefully-governed son has turned out worse than most children—how the thing I desperately strove against as a misfortune did me immense good—how while the objects I ardently pursued brought me little happiness when gained, most of my pleasures have come from unexpected sources; when I recall these and hosts of like facts, I am struck with the incompetence of my intellect to prescribe for society. And as the evil is one under which society has not only lived but grown, while the desideratum is one it may spontaneously obtain, as it has most others, in some unforeseen way, I question the propriety of meddling.”

There is a great want of this practical humility in our political conduct. Though we have less self-confidence than our ancestors, who did not hesitate to organize in law their judgments on all subjects whatever, we have yet far too much. Though we have ceased to assume the infallibility of our theological beliefs and so ceased to enact them, we have not ceased to enact hosts of other beliefs of an equally doubtful kind. Though we no longer presume to coerce men for their *spiritual good*, we still think ourselves called upon to coerce them for their *material good*: not seeing that the one is as useless and as unwarrantable as the other. Innumerable failures seem, so far, powerless to teach this. Take up a daily paper and you will probably find a leader exposing the corruption, negligence, or mismanagement of some State-department. Cast your eye down the next column, and it is not unlikely that you will read proposals for an extension of State-supervision. Yesterday came a charge of gross carelessness against the Colonial office. To-day Admiralty bunglings are burlesqued. To-morrow brings the question—“Should there not be more coal-mine inspectors?” Now there is a complaint that the Board of Health is useless; and now an outcry for more railway regulation. While your ears are still ringing with denunciations of Chancery abuses, or your cheeks still glowing with indignation at some well-exposed iniquity of the Ecclesiastical Courts, you suddenly come upon suggestions for organizing “a priesthood of science.” Here is a vehement condemnation of the police for stupidly allowing sight-seers to crush each other to death. You look for the corollary that official regulation is not to be trusted; when, instead, *à propos* of a shipwreck, you read an urgent demand for government-inspectors to see that ships always have their boats ready for launching. Thus, while every day chronicles a failure, there every day reappears the belief that it needs but an Act of Parliament and a staff of officers to effect any end desired. Nowhere is the perennial faith of mankind better seen. Ever since society existed Disappointment has been preaching—“Put not your trust in legislation”; and yet the trust in legislation seems scarcely diminished.

Did the State fulfil efficiently its unquestionable duties, there would be some excuse for this eagerness to assign it further duties. Were there no

complaints of its faulty administration of justice; of its endless delays and untold expenses; of its bringing ruin in place of restitution; of its playing the tyrant where it should have been the protector—did we never hear of its complicated stupidities; its 20,000 statutes, which it assumes all Englishmen to know, and which not one Englishman does know; its multiplied forms, which, in the effort to meet every contingency, open far more loopholes than they provide against—had it not shown its folly in the system of making every petty alteration by a new act, variously affecting innumerable preceding acts; or in its score of successive sets of Chancery rules, which so modify, and limit, and extend, and abolish, and alter each other, that not even Chancery lawyers know what the rules are—were we never astounded by such a fact as that, under the system of land registration in Ireland, 6,000*l.* have been spent in a “negative search” to establish the title of an estate—did we find in its doings no such terrible incongruity as the imprisonment of a hungry vagrant for stealing a turnip, while for the gigantic embezzlements of a railway director it inflicts no punishment;—had we, in short, proved its efficiency as judge and defender, instead of having found it treacherous, cruel, and anxiously to be shunned, there would be some encouragement to hope other benefits at its hands.

Or if, while failing in its judicial functions, the State had proved itself a capable agent in some other department—the military for example—there would have been some show of reason for extending its sphere of action. Suppose that it had rationally equipped its troops, instead of giving them cumbrous and ineffective muskets, barbarous grenadier caps, absurdly heavy knapsacks and cartouche-boxes, and clothing colored so as admirably to help the enemy’s marksmen—suppose that it organized well and economically, instead of salarying an immense superfluity of officers, creating sinecure colonelcies of 4,000*l.* a year, neglecting the meritorious and promoting incapables—suppose that its soldiers were always well housed instead of being thrust into barracks that invalid hundreds, as at Aden, or that fall on their occupants, as at Loodianah, where ninety-five were thus killed—suppose that, in actual war, it had shown due administrative ability, instead of occasionally leaving its regiments to march barefoot, to dress in patches, to capture their own engineering tools, and to fight on empty stomachs, as during the Peninsular campaign;—suppose all this, and the wish for more State-control might still have had some warrant.

Even though it had bungled in everything else, yet had it in one case done well—had its naval management alone been efficient—the sanguine would have had a colorable excuse for expecting success in a new field. Grant that the reports about bad ships, ships that will not sail, ships that have to be lengthened, ships with unfit engines, ships that will not carry their guns, ships without stowage, and ships that have to be broken up, are all untrue—assume those to be mere slanderers who say that the *Megara* took double the time taken by a commercial steamer to reach the Cape; that during the same voyage the *Hydra* was three times on fire, and needed the

pumps kept going day and night; that the *Charlotte* troop-ship set out with 75 days' provisions on board, and was three months in reaching her destination; that the *Harpy*, at an imminent risk of life, got home in 110 days from Rio—disregard as calumnies the statements about septuagenarian admirals, dilettante ship building, and "cooked" dockyard accounts—set down the affair of the Goldner preserved meats as a myth, and consider Professor Barlow mistaken when he reported of the Admiralty compasses in store, that "at least one-half were mere lumber";—let all these, we say, be held groundless charges, and there would remain for the advocates of much government some basis for their political air-castles, spite of military and judicial mismanagement.

As it is, however, they seem to have read backwards the parable of the talents. Not to the agent of proved efficiency do they consign further duties, but to the negligent and blundering agent. Private enterprise has done much, and done it well. Private enterprise has cleared, drained, and fertilized the country, and built the towns—has excavated mines, laid out roads, dug canals, and embanked railways—has invented, and brought to perfection ploughs, looms, steam-engines, printing-presses, and machines innumerable—has built our ships, our vast manufactories, our docks—has established banks, insurance societies, and the newspaper press—has covered the sea with lines of steam-vessels, and the land with electric telegraphs. Private enterprise has brought agriculture, manufactures, and commerce to their present height, and is now developing them with increasing rapidity. Therefore, do not trust private enterprise. On the other hand, the State so fulfils its judicial function as to ruin many, delude others, and frighten away those who most need succor; its national defences are so extravagantly and yet inefficiently administered, as to call forth almost daily complaint, expostulation, or ridicule; and as the nation's steward, it obtains from some of our vast public estates a minus revenue. Therefore, trust the State. Slight the good and faithful servant, and promote the unprofitable one from one talent to ten.

Seriously, the case, while it may not, in some respects, warrant this parallel, is, in one respect, even stronger. For the new work is not of the same order as the old, but of a more difficult order. Ill as government discharges its true duties, any other duties committed to it are likely to be still worse discharged. To guard its subjects against aggression, either individual or national, is a straightforward and tolerably simple matter; to regulate, directly or indirectly, the personal actions of those subjects is an infinitely complicated matter. It is one thing to secure to each man the unhindered power to pursue his own good; it is a widely different thing to pursue the good for him. To do the first efficiently, the State has merely to look on while its citizens act; to forbid unfairness; to adjudicate when called on; and to enforce restitution for injuries. To do the last efficiently, it must become an ubiquitous worker—must know each man's needs better than he knows them himself—must, in short, possess super-

human power and intelligence. Even, therefore, had the State done well in its proper sphere, no sufficient warrant would have existed for extending that sphere; but seeing how ill it has discharged those simple offices which we cannot help consigning to it, small indeed is the probability that it will discharge well offices of a more complicated nature.

Change the point of view however we may, and this conclusion still presents itself. If we define the primary State-duty to be that of protecting each individual against others, then, all other State-action comes under the definition of protecting each individual against himself—against his own stupidity, his own idleness, his own improvidence, rashness, or other defect—his own incapacity for doing something or other which should be done. There is no questioning this classification. For manifestly all the obstacles that lie between a man's desires and the satisfaction of them are either obstacles arising from other men's counter desires, or obstacles arising from inability in himself. Such of these counter desires as are just, have as much claim to satisfaction as his; and may not, therefore, be thwarted. Such of them as are unjust, it is the State's duty to hold in check. The only other possible sphere for it, therefore, is that of saving the individual from the consequences of his nature, or, as we say—protecting him against himself. Making no comment, at present, on the policy of this, and confining ourselves solely to the practicability of it, let us inquire how the proposal looks when reduced to its simplest form. Here are men possessed of instincts, and sentiments, and perceptions, all conspiring to self-preservation. The due action of each brings its quantum of pleasure; the inaction, its more or less of pain. Those provided with these faculties in due proportions prosper and multiply; those ill-provided tend to die out. And the general success of this human organization is seen in the fact that under it the world has been peopled, and by it the complicated appliances and arrangements of civilized life have been developed. It is complained, however, that there are certain directions in which this apparatus of motives works but imperfectly. While it is admitted that men are duly prompted by it to bodily sustenance, to the obtaining of clothing and shelter, to marriage and the care of offspring, and to the establishment of the more important industrial and commercial agencies; it is argued that there are many desiderata, as pure air, more knowledge, good water, safe travelling, and so forth, which it does not duly achieve. And these shortcomings being assumed permanent, it is urged that some supplementary means must be employed. It is therefore proposed that out of the mass of men a certain number, constituting the legislature, shall be instructed to attain these various objects. The legislators thus instructed (all characterized, on the average, by the same defects in this apparatus of motives as men in general), being unable personally to fulfil their tasks, must fulfil them by deputy—must appoint commissions, boards, councils, and staffs of officers; and must construct their agencies of this same defective humanity that acts so ill. Why now should this system of complex

deputation succeed where the system of simple deputation does not? The industrial, commercial, and philanthropic agencies, which citizens form spontaneously, are directly deputed agencies; these governmental agencies made by electing legislators who appoint officers are indirectly deputed ones. And it is hoped that, by this process of double deputation, things may be achieved which the process of single deputation will not achieve. What is the rationale of this hope? Is it that legislators, and their employes, are made to feel more intensely than the rest these evils they are to remedy, these wants they are to satisfy? Hardly; for by position they are mostly relieved from such evils and wants. Is it, then, that they are to have the primary motive replaced by a secondary motive—the fear of public displeasure, and ultimate removal from office? Why scarcely; for the minor benefits which citizens will not organize to secure *directly*, they will not organize to secure *indirectly*, by turning out inefficient servants: especially if they cannot readily get efficient ones. Is it, then, that these State-agents are to do from a sense of duty, what they would not do from any other motive? Evidently this is the only possibility remaining. The proposition on which the advocates of much government have to fall back is, that things which the people will not unite to effect for personal benefit, a law-appointed portion of them will unite to effect for the benefit of the rest. Public men and functionaries love their neighbors better than themselves! The philanthropy of statesmen is stronger than the selfishness of citizens!

No wonder, then, that every day adds to the list of legislative miscarriages. If colliery explosions increase, notwithstanding the appointment of coal-mine inspectors, why it is but a natural sequence to these false methods. If Sunderland shipowners complain that, as far as tried, "the Mercantile Marine Act has proved a total failure"; and if, meanwhile, the other class affected by it—the sailors—show their disapprobation by extensive strikes; why it does but exemplify the folly of trusting a theorizing benevolence rather than an experienced self-interest. On all sides we may expect such facts; and on all sides we find them. Government, turning engineer, appoints its lieutenant, the Sewers' Commission, to drain London. Presently Lambeth sends deputations to say that it pays heavy rates, and gets no benefit. Tired of waiting, Bethnal-green calls meetings to consider "the most effectual means of extending the drainage of the district." From Wadsworth come complainants, who threaten to pay no more until something is done. Camberwell proposes to raise a subscription and do the work itself. Meanwhile, no progress is made towards the purification of the Thames; the weekly returns show an increasing rate of mortality; in Parliament, the friends of the Commission have nothing save good intentions to urge in mitigation of censure; and, at length, despairing ministers gladly seize an excuse for quietly shelving the Commission and its plans altogether. As architectural surveyor, the State has scarcely succeeded better than as engineer; witness the Metropolitan Buildings' Act. New houses still tumble down from time to time. A few months since

two fell at Bayswater, and one more recently near the Pentonville Prison: all notwithstanding prescribed thicknesses, and hoop-iron bond, and inspectors. It never struck those who provided these delusive sureties, that it was possible to build walls without bonding the two surfaces together, so that the inner layer might be removed after the surveyor's approval. Nor did they foresee that, in dictating a larger *quantity* of bricks than experience proved absolutely needful, they were simply insuring a slow deterioration of *quality* to an equivalent extent. The government guarantee for safe passenger ships answers no better than its guarantee for safe houses. Though the burning of the *Amazon* arose from either bad construction or bad stowage, she had received the Admiralty certificate before sailing. Notwithstanding official approval, the *Adelaide* was found, on her first voyage, to steer ill, to have useless pumps, ports that let floods of water into the cabins, and coals so near the furnaces that they twice caught fire. The *W. S. Lindsay*, which turned out unfit for sailing, had been passed by the government agent; and, but for the owner, might have gone to sea at a great risk of life. The *Melbourne*—originally a State-built ship—which took twenty-four days to reach Lisbon, and then needed to be docked to undergo a thorough repair, had been duly inspected. And lastly, the notorious *Australian*, before her third futile attempt to proceed on her voyage, had, her owners tell us, received "the full approbation of the government inspector." Neither does the like supervision give security to land-travelling. The iron bridge at Chester, which, breaking, precipitated a train into the Dee, had passed under the official eye. Inspection did not prevent a column on the South-Eastern from being so placed as to kill a man who put his head out of the carriage window. The locomotive that burst at Brighton lately did so notwithstanding a State-approval given but ten days previously. And—to look at the facts in the gross—this system of supervision has not prevented the increase of railway accidents; which, be it remembered, has arisen *since* the system was commenced.

"Well; let the State fail. It can but do its best. If it succeed, so much the better: if it do not, where is the harm? Surely it is wiser to act, and take the chance of success, than to do nothing." To this plea the rejoinder is that, unfortunately, the results of legislative intervention are not only negatively bad, but often positively so. Acts of Parliament do not simply fail; they frequently make worse. The familiar truth that persecution aids rather than hinders proscribed doctrines—a truth lately afresh illustrated by the forbidden work of Gervinus—is a part of the general truth that legislation often does indirectly the reverse of that which it directly aims to do. Thus has it been with the Metropolitan Buildings' Act. As was lately agreed unanimously by the delegates from all the parishes in London, and as was stated by them to Sir William Molesworth, this act "has encouraged bad building, and has been the means of covering the suburbs of the metropolis with thousands of wretched hovels, which are a disgrace to a civilized country." Thus, also, has it been in provincial

towns. The Nottingham Inclosure Act of 1845, by prescribing the structure of the houses to be built, and the extent of yard or garden to be allotted to each, has rendered it impossible to build working-class dwellings at such moderate rents as to compete with existing ones. It is estimated that, as a consequence, 10,000 of the population are debarred from the new homes they would otherwise have, and are forced to live crowded together in miserable places unfit for human habitation; and so, in its anxiety to insure healthy accommodation for artisans, the law has entailed on them still worse accommodations than before. Thus, too, has it been with the Passengers' Act. The terrible fevers which arose in the Australian emigrant ships a few months since, causing in the *Bourneuf* 83 deaths, in the *Wanota* 39 deaths, in the *Marco Polo* 53 deaths, and in the *Ticonderoga* 104 deaths, arose in vessels sent out by the government; and arose in consequence of the close packing which the Passengers' Act authorizes. Thus, moreover, has it been with the safeguards provided by the Mercantile Marine Act. The examinations devised for insuring the efficiency of captains have had the effect of certifying the superficially-clever and unpractised men, and, as we are told by a shipowner, rejecting many of the long-tried and most trustworthy: the general result being that *the ratio of shipwrecks has increased*. Thus also has it happened with Boards of Health, which have, in sundry cases, exacerbated the evils to be removed; as, for instance, at Croydon, where, according to the official report, the measures of the sanitary authorities produced an epidemic, which attacked 1,600 people and killed 70. Thus again has it been with the Joint Stock Companies Registration Act. As was shown by Mr. James Wilson, in his late motion for a select committee on life-assurance associations, this measure, passed in 1844 to guard the public against bubble schemes, actually facilitated the rascalities of 1845 and subsequent years. The legislative sanction, devised as a guarantee of genuineness, and supposed by the people to be such, clever adventurers have without difficulty obtained for the most worthless projects. Having obtained it, an amount of public confidence has followed which they could never otherwise have gained. In this way literally hundreds of sham enterprises that would not else have seen the light have been fostered into being; and thousands of families have been ruined who would never have been so but for legislative efforts to make them more secure.

Moreover, when these topical remedies applied by statesmen do not exacerbate the evils they were meant to cure, they constantly induce collateral evils; and these often graver than the original ones. It is the vice of this empirical school of politicians that they never look beyond proximate causes and immediate effects. In common with the uneducated masses they habitually regard each phenomenon as involving but one antecedent and one consequent. They do not bear in mind that each phenomenon is a link in an infinite series—is the result of myriads of preceding phenomena, and will have a share in producing myriads of succeeding ones. Hence

they overlook the fact that, in disturbing any natural chain of sequences, they are not only modifying the result next in succession, but all the future results into which this will enter as a part cause. The serial genesis of phenomena, and the interaction of each series upon every other series, produces a complexity utterly beyond human grasp. Even in the simplest cases this is so. A servant who puts coals on the fire sees but few effects from the burning of a lump. The man of science, however, knows that there are very many effects. He knows that the combustion establishes numerous atmospheric currents, and through them moves thousands of cubic feet of air inside the house and out. He knows that the heat diffused causes expansions and subsequent contractions of all bodies within its range. He knows that the persons warmed are affected in their rate of respiration and their waste of tissue; and that these physiological changes must have various secondary results. He knows that, could he trace to their ramified consequences all the forces disengaged, mechanical, chemical, thermal, electric—could he enumerate all the subsequent effects of the evaporation caused, the gases generated, the light evolved, the heat radiated; a volume would scarcely suffice to enter them. If, now, from a simple inorganic change such numerous and complex results arise, how infinitely multiplied and involved must be the ultimate consequences of any force brought to bear upon society. Wonderfully constructed as it is—mutually dependent as are its members for the satisfaction of their wants—affected as each unit of it is by his fellows, not only as to his safety and prosperity, but in his health, his temper, his culture; the social organism cannot be dealt with in any one part, without all other parts being influenced in ways which cannot be foreseen. You put a duty on paper, and by-and-by find that, through the medium of the jacquard-cards employed, you have inadvertently taxed figured silk, sometimes to the extent of several shillings per piece. On removing the impost from bricks, you discover that its existence had increased the dangers of mining, by preventing shafts from being lined and workings from being tunnelled. By the excise on soap, you have, it turns out, greatly encouraged the use of caustic washing-powders; and so have unintentionally entailed an immense destruction of clothes. In every case you perceive, on careful inquiry, that besides acting upon that which you sought to act upon, you have acted upon many other things, and each of these again on many others; and so have propagated a multitude of changes in all directions. We need feel no surprise, then, that in their efforts to cure specific evils, legislators have continually caused collateral evils they never looked for. No Carlyle's wisest man, nor any body of such, could avoid causing them. Though their production is explicable enough after it has occurred, it is never anticipated. When, under the New Poor-law, provision was made for the accommodation of vagrants in the Union-houses, it was hardly expected that a body of tramps would be thereby called into existence, who would spend their time in walking from Union to Union throughout the kingdom. It was little thought by those who in

past generations assigned parish-pay for the maintenance of illegitimate children, that, as a result, a family of such would by-and-by be considered a small fortune, and the mother of them a desirable wife; nor did the same statesmen see that, by the law of settlement, they were organizing a disastrous inequality of wages in different districts, and entailing a system of clearing away cottages, which would result in the crowding of bedrooms, and in a consequent moral and physical deterioration. The English tonnage law was enacted simply with a view to regulate the mode of measurement. Its framers overlooked the fact that they were practically providing "for the effectual and compulsory construction of bad ships"; and that "to cheat the law, that is, to build a tolerable ship in spite of it, was the highest achievement left to an English builder." Greater commercial security was alone aimed at by the partnership law. We now find, however, that the unlimited liability it insists upon is a serious hindrance to progress; it practically forbids the association of small capitalists; it is found a great obstacle to the building of improved dwellings for the people; it prevents a better relationship between artisans and employers; and by withholding from the working-classes good investments for their savings, it checks the growth of provident habits and encourages drunkenness. Thus on all sides are well-meant measures producing unforeseen mischiefs—a licensing law that promotes the adulteration of beer; a ticket-of-leave system that encourages men to commit crime; a police regulation that forces street-huxters into the workhouse. And then, in addition to the obvious and proximate evils, come the remote and less distinguishable ones, which, could we estimate their accumulated result, we should probably find even more serious.

But the thing to be discussed is, not so much whether, by any amount of intelligence, it is *possible* for a government to work out the various ends consigned to it, as whether its fulfilment of them is *probable*. It is less a question of *can* than a question of *will*. Granting the absolute competence of the State, let us consider what hope there is of getting from it satisfactory performance. Let us look at the moving force by which the legislative machine is worked, and then inquire whether this force is thus employed as economically as it would otherwise be.

Manifestly, as desire of some kind is the invariable stimulus to action in the individual, every social agency, of what nature soever, must have some aggregate of desires for its motive power. Men in their collective capacity can exhibit no result but what has its origin in some appetite, feeling, or taste common among them. Did not they like meat, there could be no cattle-graziers, no Smithfield, no distributing organization of butchers. Operas, Philharmonic Societies, song-books, and street organ-boys, have all been called into being by our love of music. Look through the trades' directory; take up a guide to the London sights; read the index of Bradshaw's time-tables, the reports of the learned societies, or the advertisements of new books; and you see in the publication itself, and in the things it

describes, so many products of human activities, stimulated by human desires. Under this stimulus grow up agencies alike the most gigantic and the most insignificant, the most complicated and the most simple—agencies for national defence and for the sweeping of crossings; for the daily distribution of letters, and for the collection of bits of coal out of the Thames mud—agencies that subserve all ends, from the preaching of Christianity to the protection of ill-treated animals; from the production of bread for a nation to the supply of groundsel for caged singing-birds. The accumulated desires of individuals being, then, the moving power by which every social agency is worked, the question to be considered is—Which is the most economical kind of agency? The agency having no power in itself, but being merely an instrument, our inquiry must be for the most efficient instrument—the instrument that costs least, and wastes the smallest amount of the moving power—the instrument least liable to get out of order, and most readily put right again when it goes wrong. Of the two kinds of social mechanism exemplified above, the spontaneous and the governmental, which is the best?

From the form of this question will be readily foreseen the intended answer—that is the best mechanism which contains the fewest parts. The common saying—"What you wish well done you must do yourself," embodies a truth equally applicable to political life as to private life. The experience that farming by bailiff entails loss, while tenant-farming pays, is an experience still better illustrated in national history than in a landlord's account books. This transference of power from constituencies to members of parliament, from these to the executive, from the executive to a board, from the board to inspectors, and from inspectors through their subs down to the actual workers—this operating through a series of levers, each of which absorbs in friction and inertia part of the moving force; is as bad, in virtue of its complexity, as the direct employment by society of individuals, private companies, and spontaneously-formed institutions, is good in virtue of its simplicity. Fully to appreciate the contrast, we must compare in detail the working of the two systems.

Officialism is habitually slow. When non-governmental agencies are dilatory, the public has its remedy: it ceases to employ them and soon finds quicker ones. Under this discipline all private bodies are taught promptness. But for delays in State-departments there is no such easy cure. Life-long Chancery suits must be patiently borne; Museum-catalogues must be wearily waited for. While, by the people themselves, a Crystal Palace is designed, erected, and filled, in the course of a few months, the legislature takes twenty years to build itself a new house. While, by private persons, the debates are daily printed and dispersed over the kingdom within a few hours of their utterance, the Board of Trade tables are regularly published a month, and sometimes more, after date. And so throughout. Here is a Board of Health which, since 1849, has been about to close the metropolitan graveyards, but has not done it yet; and which has so long dawdled

over projects for cemeteries, that the London Necropolis Company has taken the matter out of its hands. Here is a patentee who has had fourteen years' correspondence with the Horse Guards, before getting a definite answer respecting the use of his improved boot for the Army. Here is a Plymouth port-admiral who delays sending out to look for the missing boats of the *Amazon* until ten days after the wreck.

Again, officialism is stupid. Under the natural course of things each citizen tends towards his fittest function. Those who are competent to the kind of work they undertake, succeed, and, in the average of cases, are advanced in proportion to their efficiency; while the incompetent, society soon finds out, ceases to employ, forces to try something easier, and eventually turns to use. But it is quite otherwise in State-organizations. Here, as every one knows, birth, age, back-stairs intrigue, and sycophancy, determine the selections rather than merit. The "fool of the family" readily finds a place in the Church, if "the family" have good connections. A youth too ill-educated for any profession does very well for an officer in the Army. Grey hair, or a title, is a far better guarantee of naval promotion than genius is. Nay, indeed, the man of capacity often finds that, in government offices, superiority is a hindrance—that his chiefs hate to be pestered with his proposed improvements, and are offended by his implied criticisms. Not only, therefore, is legislative machinery complex, but it is made of inferior materials. Hence the blunders we daily read of—the supplying to the dockyards from the royal forests of timber unfit for use; the administration of relief during the Irish famine in such a manner as to draw laborers from the field, and diminish the subsequent harvest by one-fourth; the filing of patents at three different offices and keeping an index at none. Everywhere does this bungling show itself, from the elaborate failure of House of Commons ventilation down to the publication of *The London Gazette*, which invariably comes out wrongly folded.

A further characteristic of officialism is its extravagance. In its chief departments, Army, Navy, and Church, it employs far more officers than are needful, and pays some of the useless ones exorbitantly. The work done by the Sewers Commission has cost, as Sir B. Hall tells us, from 300 to 400 per cent. over the contemplated outlay; while the management charges have reached 35, 40, and 45 per cent. on the expenditure. The trustees of Ramsgate Harbor—a harbor, by the way, that has taken a century to complete—are spending 18,000*l.* a year in doing what 5,000*l.* has been proved sufficient for. The Board of Health is causing new surveys to be made of all the towns under its control—a proceeding which, as Mr. Stephenson states, and as every tyro in engineering knows, is, for drainage purposes, a wholly needless expense. These public agencies are subject to no such influence as that which obliges private enterprise to be economical. Traders and mercantile bodies succeed by serving society cheaply. Such of them as cannot do this are continually supplanted by those who can. They cannot saddle the nation with the results of their

extravagance, and so are prevented from being extravagant. On works that are to return a profit it does not answer to spend 48 per cent. of the capital in superintendence, as in the engineering department of the Indian Government; and Indian railway companies, knowing this, manage to keep their superintendence charges within 8 per cent. A shopkeeper leaves out of his accounts no item analogous to that 6,000,000*l.* of its revenues, which Parliament allows to be deducted on the way to the Exchequer. Walk through a manufactory, and you see that the stern alternatives, carefulness or ruin, dictate the saving of every penny; visit one of the national dockyards, and the comments you make on any glaring wastefulness are carelessly met by the slang phrase—"Nunkys pays."

The unadaptiveness of officialism is another of its vices. Unlike private enterprise which quickly modifies its actions to meet emergencies—unlike the shopkeeper who promptly finds the wherewith to satisfy a sudden demand—unlike the railway company which doubles its trains to carry a special influx of passengers; the law-made instrumentality lumbers on under all varieties of circumstances through its ordained routine at its habitual rate. By its very nature it is fitted only for average requirements, and inevitably fails under unusual requirements. You cannot step into the street without having the contrast thrust upon you. Is it summer? You see the water-carts going their prescribed rounds with scarcely any regard to the needs of the weather—to-day sprinkling afresh the already moist roads; to-morrow bestowing their showers with no greater liberality upon roads cloudy with dust. Is it winter? You see the scavengers do not vary in number and activity according to the quantity of mud; and if there comes a heavy fall of snow, you find the thoroughfares remaining for nearly a week in a scarcely passable state, without an effort being made, even in the heart of London, to meet the exigency. The late snow-storm, indeed, supplied a neat antithesis between the two orders of agencies in the effects it respectively produced on omnibuses and cabs. Not being under a law-fixed tariff, the omnibuses put on extra horses and raised their fares. The cabs, on the contrary, being limited in their charges by an Act of Parliament which, with the usual shortsightedness, never contemplated such a contingency as this, declined to ply, deserted the stands and the stations, left luckless travellers to stumble home with their luggage as best they might, and so became useless at the very time of all others when they were most wanted! Not only by its unsusceptibility of adjustment does officialism entail serious inconveniences, but it likewise entails great injustices. In this case of cabs, for example, it has resulted since the late change of law, that old cabs, which were before saleable at 10*l.* and 12*l.* each, are now unsaleable and have to be broken up; and thus legislation has robbed cab-proprietors of part of their capital. Again, the recently-passed Smoke-Bill for London, which applies only within certain prescribed limits, has the effect of taxing one manufacturer while leaving untaxed his competitor working within a quarter of a mile; and so, as we are credibly informed, gives one an advantage

of 1,500*l.* a year over another. These typify the infinity of wrongs, varying in degrees of hardship, which legal regulations necessarily involve. Society, a living, growing organism, placed within apparatuses of dead, rigid, mechanical formulas, cannot fail to be hampered and pinched. The only agencies which can efficiently serve it are those through which its pulsations hourly flow, and which change as it changes.

How invariably officialism becomes corrupt every one knows. Exposed to no such antiseptic as free competition—not dependent for existence, as private unendowed organizations are, on the maintenance of a vigorous vitality; all law-made agencies fall into an inert, over-fed state, from which to disease is a short step. Salaries flow in irrespective of the activity with which duty is performed; continue after duty wholly ceases; become rich prizes for the idle well born; and prompt to perjury, to bribery, to simony. East India directors are elected not for any administrative capacity they have; but they buy votes by promised patronage—a patronage alike asked and given in utter disregard of the welfare of a hundred millions of people. Registrars of wills not only get many thousands a year each for doing work which their miserably paid deputies leave half done; but they, in some cases, defraud the revenue, and that after repeated reprimands. Dockyard promotion is the result not of efficient services, but of political favoritism. That they may continue to hold rich livings, clergymen preach what they do not believe; bishops make false returns of their revenues; and at their elections to fellowships, well-to-do priests severally make oath that they are *pauper, pius et doctus*. From the local inspector whose eyes are shut to an abuse by a contractor's present, up to the prime minister who finds lucrative berths for his relations, this venality is daily illustrated; and that in spite of public reprobation and perpetual attempts to prevent it. As we once heard said by a State-official of twenty-five years' standing—"Wherever there is government there is villainy." It is the inevitable result of destroying the direct connexion between the profit obtained and the work performed. No incompetent person hopes, by offering a *douceur* in the *Times*, to get a permanent place in a mercantile office. But where, as under government, there is no employer's self-interest to forbid—where the appointment is made by some one on whom inefficiency entails no loss; there a *douceur* is operative. In hospitals, in public charities, in endowed schools, in all social agencies in which duty done and income gained do not go hand in hand, the like corruption is found; and is great in proportion as the dependence of income upon duty is remote. In State-organizations, therefore, corruption is unavoidable. In trading-organizations it rarely makes its appearance, and when it does, the instinct of self-preservation soon provides a remedy.

To all which broad contrasts add this, that while private bodies are enterprising and progressive, public bodies are unchanging, and, indeed, obstructive. That officialism should be inventive nobody expects. That it should go out of its easy mechanical routine to introduce improvements,

and this at a considerable expense of thought and application, without the prospect of profit, is not to be supposed. But it is not simply stationary; it resists every amendment either in itself or in anything with which it deals. Until now that County Courts are taking away their practice, all agents of the law have doggedly opposed law-reform. The universities have maintained an old *curriculum* for centuries after it ceased to be fit; and are now struggling to prevent a threatened reconstruction. Every postal improvement has been vehemently protested against by the postal authorities. Mr. Whiston can say how pertinacious is the conservatism of Church grammar-schools. Not even the gravest consequences in view preclude official resistance: witness the fact that though, as already mentioned, Professor Barlow reported in 1820, of the Admiralty compasses then in store, that "at least one-half were mere lumber," yet notwithstanding the constant risk of shipwrecks thence arising, "very little amelioration in this state of things appears to have taken place until 1838 to 1840." Nor is official obstructiveness to be readily overborne even by a powerful public opinion: witness the fact that though, for generations, nine-tenths of the nation have disapproved this ecclesiastical system which pampers the drones and starves the workers, and though commissions have been appointed to rectify it, it still remains substantially as it was: witness again the fact that though, since 1818, there have been a score attempts to rectify the scandalous maladministration of Charitable Trusts—though ten times in ten successive years remedial measures have been brought before Parliament—the abuses still continue in all their grossness. Not only do these legal instrumentalities resist reforms in themselves, but they hinder reforms in other things. In defending their vested interests the clergy delay the closing of town burial-grounds. As Mr. Lindsay can show, government emigration-agents are checking the use of iron for sailing-vessels. Excise officers prevent improvements in the processes they have to overlook. That organic conservatism which is visible in the daily conduct of all men is an obstacle which in private life self-interest slowly overcomes. The prospect of profit does, in the end, teach farmers that deep draining is good; though it takes long to do this. Manufacturers do, ultimately, learn the most economical speed at which to work their steam-engines; though precedent has long misled them. But in the public service, where there is no self-interest to overcome it, this conservatism exerts its full force; and produces results alike disastrous and absurd. For generations after bookkeeping had become universal the Exchequer accounts were kept by notches cut on sticks. In the estimates for the current year appears the item, "Trimming the oil-lamps at the Horse-Guards."

Between these law-made agencies and the spontaneously formed ones, who then can hesitate? The one class are slow, stupid, extravagant, unadaptive, corrupt, and obstructive: can any point out in the other, vices that balance these? It is true that trade has its dishonesties, speculation its follies. These are evils inevitably entailed by the existing imperfections

of humanity. It is equally true, however, that these imperfections of humanity are shared by State-functionaries; and that being unchecked in them by the same stern discipline, they grow to far worse results. Given a race of men having a certain proclivity to misconduct, and the question is, whether a society of these men shall be so organized that ill-conduct directly brings punishment, or whether it shall be so organized that punishment is but remotely contingent on ill-conduct? Which will be the most healthful community—that in which agents who perform their functions badly, immediately suffer by the withdrawal of public patronage; or that in which such agents can be made to suffer only through an apparatus of meetings, petitions, polling booths, parliamentary divisions, cabinet-councils, and red-tape documents? Is it not an absurdly utopian hope that men will behave better when correction is far removed and uncertain than when it is near at hand and inevitable? Yet this is the hope which most political schemers unconsciously cherish. Listen to their plans, and you find that just what they propose to have done, they assume the appointed agents will do. That functionaries are trustworthy is their first postulate. Doubtless could good officers be ensured, much might be said for officialism; just as despotism would have its advantages could we ensure a good despot.

If, however, we would duly appreciate the contrast between the artificial modes and the natural modes of achieving social desiderata, we must look not only at the vices of the one but at the virtues of the other. These are many and important. Consider first how immediately every private enterprise is dependent on the need for it; and how impossible it is for it to continue if there be no need. Daily are new trades and new companies established. If they subserve some existing public want, they take root and grow. If they do not, they die of inanition. It needs no agitation, no act of Parliament, to put them down. As with all natural organizations, if there is no function for them no nutriment comes to them, and they dwindle away. Moreover, not only do the new agencies disappear if they are superfluous, but the old ones cease to be when they have done their work. Unlike public instrumentalities—unlike Heralds' Offices, which are maintained for ages after heraldry has lost all value—unlike Ecclesiastical Courts, which continue to flourish for generations after they have become an abomination; these private instrumentalities dissolve when they become needless. A widely ramified coaching-system ceases to exist as soon as a more efficient railway-system comes into being. And not simply does it cease to exist, and to abstract funds, but the materials of which it was made are absorbed and turned to use. Coachmen, guards, and the rest, are employed to profit elsewhere—do not continue for twenty years a burden, like the compensated officials of some abolished department of the State. Consider, again, how necessarily these unordained agencies fit themselves to their work. It is a law of all organized things that efficiency presupposes apprenticeship. Not only is it true that the young merchant must begin by carrying letters to the post, that the way to be a successful inn-

keeper is to commence as waiter—not only is it true that in the development of the intellect there must come first the perceptions of identity and duality, next of number, and that without these, arithmetic, algebra, and the infinitesimal calculus, remain impracticable; but it is true that there is no part of an organism but begins in some simple form with some insignificant function, and passes to its final stage through successive phases of complexity. Every heart is at first a mere pulsatile sac; every brain begins as a slight enlargement of the spinal cord. This law equally extends to the social organism. An instrumentality that is to work well must not be designed and suddenly put together by legislators, but must grow gradually from a germ; each successive addition must be tried and proved good by experience before another addition is made; and by this tentative process only, can an efficient instrumentality be produced. From a trustworthy man who receives deposits of money, insensibly grows up a vast banking system, with its notes, checks, bills, its complex transactions, and its Clearing-house. Pack-horses, then waggons, then coaches, then steam-carriages on common roads, and, finally, steam-carriages on roads made for them—such has been the slow genesis of our present means of communication. Not a trade in the directory but has formed itself an apparatus of manufacturers, brokers, travellers, and retailers, in so gradual a way that no one can trace the steps. And so with organizations of another order. The Zoological Gardens began as the private collection of a few naturalists. The best working-class school known—that at Price's factory—commenced with half-a-dozen boys sitting among the candle-boxes, after hours, to teach themselves writing with worn-out pens. Mark, too, that as a consequence of their mode of growth, these spontaneously-formed agencies expand to any extent required. The same stimulus which brought them into being makes them send their ramifications wherever they are needed. But supply does not thus readily follow demand in governmental agencies. Appoint a board and a staff, fix their duties, and let the apparatus have a generation or two to consolidate, and you cannot get it to fulfil larger requirements without some act of parliament obtained only after long delay and difficulty.

Were there space, much more might be said upon the superiority of what naturalists would call the *exogenous* order of institutions over the *endogenous* one. But, from the point of view indicated, the further contrasts between their characteristics will be sufficiently visible.

Hence then the fact, that while the one order of means is ever failing, making worse, or producing more evils than it cures, the other order of means is ever succeeding, ever improving. Strong as it looks at the outset, State-agency perpetually disappoints every one. Puny as are its first stages, private effort daily achieves results that astound the world. It is not only that joint-stock companies do so much—it is not only that by them a whole kingdom is covered with railways in the same time that it takes the Admiralty to build a hundred-gun ship; but it is that public instrumentalities are outdone even by individuals. The often quoted contrast between the

Academy whose forty members took fifty-six years to compile the French Dictionary, while Dr. Johnson alone compiled the English one in eight—a contrast still marked enough after making due set-off for the difference in the works—is by no means without parallel. That great sanitary desideratum—the bringing of the New River to London—which the wealthiest corporation in the world attempted and failed, Sir Hugh Myddleton achieved single-handed. The first canal in England—a work of which government might have been thought the fit projector, and the only competent executor—was undertaken and finished as the private speculation of one man—the Duke of Bridgewater. By his own unaided exertions, William Smith completed that great achievement, the geological map of Great Britain; meanwhile, the Ordnance Survey—a very accurate and elaborate one, it is true—has already occupied a large staff for some two generations, and will not be completed before the lapse of another. Howard and the prisons of Europe; Bianconi and Irish travelling; Waghorn and the Overland route; Dargan and the Dublin Exhibition—do not these suggest startling contrasts? While private gentlemen like Mr. Denison build model lodging-houses in which the deaths are greatly below the average, the State builds barracks in which the deaths are greatly above the average, even of the much-pitied town populations; barracks which, though filled with picked men under medical supervision, show an annual mortality per thousand of 13.6, 17.9 and even 20.4; though among civilians of the same age in the same places, the mortality per thousand is but 11.9. While the State has laid out large sums at Parkhurst in the effort to reform juvenile criminals, who are *not* reformed, Mr. Ellis takes fifteen of the worst young thieves in London—thieves considered by the police irreclaimable—and reforms them all. Side by side with the Emigration Board, under whose management hundreds die of fever from close packing, and under whose licence sail vessels which, like the *Washington*, are the homes of fraud, brutality, tyranny, and obscenity, stands Mrs. Chisholm's Family Colonisation Loan Society, which does not provide worse accommodation than ever before but much better; which does not demoralize by promiscuous crowding but improves by mild discipline; which does not pauperize by charity but encourages providence; which does not increase our taxes, but is self-supporting. Here are lessons for the lovers of legislation. The State outdone by a working shoemaker! The State beaten by a woman!

Stronger still becomes this contrast between the results of public action and private action, when we remember that the one is constantly eked out by the other, even in doing the things unavoidably left to it. Passing over military and naval departments, in which much is done by contractors and not by men receiving government pay,—passing over the Church, which is constantly extended not by law but by voluntary effort—passing over the Universities, where the efficient teaching is given not by the appointed officers but by private tutors; let us look at the mode in which our judicial system is worked. Lawyers perpetually tell us that codification is impos-

sible; and some are simple enough to believe them. Merely remarking, in passing, that what government and all its employes cannot do for the Acts of Parliament in general, was done for the 1,500 Customs acts in 1825 by the energy of one man—Mr. Deacon Hume—let us see how the absence of a digested system of law is made good. In preparing themselves for the bar, and finally the bench, law-students, by years of research, have to gain an acquaintance with this vast mass of unorganized legislation; and that organization which it is held impossible for the State to effect, it is held possible (sly sarcasm on the State!) for each student to effect for himself. Every judge can privately codify, though "united wisdom" cannot. But how is each judge enabled to codify? By the private enterprise of men who have prepared the way for him; by the partial codifications of Blackstone, Coke, and others; by the digests of Partnership Law, Bankruptcy Law, Law of Patents, Laws affecting Women, and the rest that daily issue from the press; by abstracts of cases, and volumes of reports—every one of them unofficial products. Sweep away all these fractional codifications made by individuals, and the State would be in utter ignorance of its own laws! Had not the bunglings of legislators been made good by private enterprise, the administration of justice would have been impossible!

Where, then, is the warrant for the constantly proposed extensions of legislative action? If, as we have seen in a large class of cases, government measures do not remedy the evils they aim at; if, in another large class, they make these evils worse instead of remedying them; and if, in a third large class, while curing some evils they entail others, and often greater ones—if, as we lately saw, public action is continually outdone in efficiency by private action; and if, as just shown, private action is obliged to make up for the shortcomings of public action, even in fulfilling the vital functions of the State; what reason is there for wishing more public administrations? The advocates of such may claim credit for philanthropy, but not for wisdom; unless wisdom is shown by disregarding experience.

"Much of this argument is beside the question," will rejoin our opponents. "The true point at issue is, not whether individuals and companies outdo the State when they come in competition with it, but whether there are not certain social wants which the State alone can satisfy. Admitting that private enterprise does much, and does it well, it is nevertheless true that we have daily thrust upon our notice many desiderata which it has not achieved, and is not achieving. In these cases its incompetency is obvious; and in these cases, therefore, it behoves the State to make up for its deficiencies: doing this, if not well, yet as well as it can."

Not to fall back upon the many experiences already quoted, showing that the State is likely to do more harm than good in attempting this; nor to dwell upon the fact that, in most of the alleged cases, the apparent insufficiency of private enterprise is a *result* of previous State-interferences, as may be conclusively shown; let us deal with the proposition on its own

terms. Though there would have been no need for a Mercantile Marine Act to prevent the unseaworthiness of ships and the ill-treatment of sailors, had there been no Navigation Laws to produce these; and though were all like cases of evils and shortcomings directly or indirectly produced by law, taken out of the category, there would probably remain but small basis for the plea above put; yet let it be granted that, every artificial obstacle having been removed, there would still remain many desiderata unachieved, which there was no seeing how spontaneous effort could achieve. Let all this, we say, be granted; the propriety of legislative action may yet be rightly questioned.

For the said plea involves the unwarrantable assumption that social agencies will continue to work only as they are now working; and will produce no results but those they seem likely to produce. It is the habit of this school of thinkers to make a limited human intelligence the measure of phenomena which it requires omniscience to grasp. That which it does not see the way to, it does not believe will take place. Though society has, generation after generation, been growing to developments which none foresaw, yet there is no practical belief in unforeseen developments in the future. The parliamentary debates constitute an elaborate balancing of probabilities, having for data things as they are. Meanwhile every day adds new elements to things as they are, and seemingly improbable results constantly occur. Who, a few years ago, expected that a Leicester-square refugee would shortly become Emperor of the French? Who looked for free trade from a landlords' ministry? Who dreamed that Irish overpopulation would spontaneously cure itself, as it is now doing? So far from social changes arising in likely ways, they usually arise in ways which, to common sense, appear unlikely. A barber's shop was not a probable-looking place for the germination of the cotton manufacture. No one supposed that important agricultural improvements would come from a Leadenhall-street tradesman. A farmer would have been the last man thought of to bring to bear the screw propulsion of steamships. The invention of a new species of architecture we should have hoped from any one rather than a gardener. Yet while the most unexpected changes are daily wrought out in the strangest ways, legislation daily assumes that things will go just as human foresight thinks they will go. Though by the trite exclamation—"What would our forefathers have said!" there is a frequent acknowledgment of the fact that wonderful results have been achieved in modes wholly unforeseen, yet there seems no belief that this will be again. Would it not be wise to admit such a probability into our politics? May we not rationally infer that, as in the past so in the future?

This strong faith in State-agencies is, however, accompanied by so weak a faith in natural agencies (the two being antagonistic), that, spite of past experience, it will by many be thought absurd to rest in the conviction that existing social needs will be spontaneously met, though we cannot say how they will be met. Nevertheless, illustrations exactly to the point are

now transpiring before their eyes. Instance the scarcely credible phenomenon lately witnessed in the midland counties. Every one has heard of the distress of the stockings—a chronic evil of some generation or two's standing. Repeated petitions have prayed Parliament for remedy; and legislation has made attempts, but without success. The disease seemed incurable. Two or three years since, however, the circular knitting machine was introduced—a machine immensely outstripping the old stocking-frame in productiveness, but which can make only the legs of stockings, not the feet. Doubtless, the Leicester and Nottingham artizans regarded this new engine with alarm, as likely to intensify their miseries. On the contrary, it has wholly removed them. By cheapening production it has so enormously increased consumption, that the old stocking-frames, which were before too many by half for the work to be done, are now all employed in putting feet to the legs which the new machines make. How insane would he have been thought who anticipated cure from such a cause! If from the unforeseen removal of evils we turn to the unforeseen achievement of desiderata, we find like cases. No one recognized in Oersted's electro-magnetic discovery the germ of a new agency for the catching of criminals and the facilitation of commerce. No one expected railways to become agents for the diffusion of cheap literature, as they now are. No one supposed when the Society of Arts was planning an international exhibition of manufacturers in Hyde Park, that the result would be a place for popular recreation and culture at Sydenham.

But there is yet a deeper reply to the appeals of impatient philanthropists. It is not simply that social vitality may be trusted by-and-by to fulfil each much-exaggerated requirement in some quiet spontaneous way—it is not simply that when thus naturally fulfilled it will be fulfilled efficiently, instead of being botched as when attempted artificially; but it is that until thus naturally fulfilled it ought not to be fulfilled at all. A startling paradox, this, to many; but one quite justifiable, as we hope shortly to show.

It was pointed out some distance back, that the force which produces and sets in motion every social mechanism—governmental, mercantile, or other—is some accumulation of personal desires. As there is no individual action without a desire, so, it was urged, there can be no social action without an aggregate of desires. To which there here remains to add, that as it is a general law of the individual that the intenser desires—those corresponding to all-essential functions—are satisfied first, and if need be to the neglect of the weaker and less important ones; so, it must be a general law of society that the chief requisites of social life—those necessary to popular existence and multiplication—will, in the natural order of things, be subserved before those of a less pressing kind. As the private man first ensures himself food; then clothing and shelter; these being secured, takes a wife; and, if he can afford it, presently supplies himself with carpeted rooms, and piano, and wines, hires servants and gives dinner parties; so,

in the evolution of society, we see first a combination for defence against enemies, and for the better pursuit of game; by-and-by come such political arrangements as are needed to maintain this combination; afterwards, under a demand for more food, more clothes, more houses, arises division of labor; and when satisfaction of the animal wants has been provided for, there slowly grows up literature, science, and the arts. Is it not obvious that these successive evolutions occur in the order of their importance? Is it not obvious, that, being each of them produced by an aggregate of desires, they *must* occur in the order of their importance, if it be a law of the individual that the strongest desires correspond to the most needful actions? Is it not, indeed, obvious that the order of relative importance will be more uniformly followed in social action than in individual action; seeing that the personal idiosyncrasies which disturb that order in the latter case are *averaged* in the former? If any one does not see this, let him take up a book describing life at the gold-diggings. There he will find the whole process exhibited in little. He will read that as the diggers must eat, they are compelled to offer such prices for food that it pays better to keep a store than to dig. As the store-keepers must get supplies, they give enormous sums for carriage from the nearest town; and some men, quickly seeing they can get rich at that, make it their business. This brings drays and horses into demand; the high rates draw these from all quarters; and, after them, wheelwrights and harness-makers. Blacksmiths to sharpen pickaxes, doctors to cure fevers, get pay exorbitant in proportion to the need for them; and are so brought flocking in proportionate numbers. Presently commodities become scarce; more must be fetched from abroad; sailors must have increased wages to prevent them from deserting and turning miners; this necessitates higher charges for freight; higher freights quickly bring more ships; and so there rapidly develops an organization for supplying goods from all parts of the world. Every phase of this evolution takes place in the order of its necessity; or as we say—in the order of the intensity of the desires subserved. Each man does that which he finds pays best; that which pays best is that for which other men will give most; that for which they will give most is that which, under the circumstances, they most desire. Hence the succession must be throughout from the more important to the less important. A requirement which at any period remains unfulfilled, must be one for the fulfilment of which men will not pay so much as to make it worth any one's while to fulfil it—must be a *less* requirement than all the others for the fulfilment of which they will pay more; and must wait until other more needful things are done. Well, is it not clear that the same law holds good in every community? Is it not true of the latter phases of social evolution, as of the earlier, that when things are let alone the smaller desiderata will be postponed to the greater?

Hence, then, the justification of the seeming paradox, that until spontaneously fulfilled a public want should not be fulfilled at all. It must, on the average, result in our complex state, as in simpler ones, that the

thing left undone is a thing by doing which citizens cannot gain so much as by doing other things—is therefore a thing which society does not want done so much as it wants these other things done; and the corollary is, that to effect a neglected thing by artificially employing citizens to do it, is to leave undone some more important thing which they would have been doing—is to sacrifice the greater requisite to the smaller.

"But," it will perhaps be objected, "if the things done by a government, or at least by a representative government, are also done in obedience to some aggregate desire, why may we not look for this normal subordination of the more needful to the less needful in them too?" The reply is, that though they have a certain tendency to follow this order—though those primal desires for public defence and personal protection, out of which government originates, were satisfied through its instrumentality in proper succession—though, possibly, some other early and simple requirements may have been so too; yet, when the desires are not few, universal and intense, but, like those remaining to be satisfied in the latter stages of civilization, numerous, partial, and moderate, the judgment of a government is no longer to be trusted. To select out of an immense number of minor wants, physical, intellectual, and moral, felt in different degrees by different classes, and by a total mass varying in every case, the want that is most pressing, is a task which no legislature can accomplish. No man or men by inspecting society can *see* what it most needs; society must be left to *feel* what it most needs. The mode of solution must be experimental, not theoretical. When left, day after day, to experience evils and dissatisfactions of various kinds, affecting them in various degrees, citizens gradually acquire repugnance to these proportionate to their greatness, and corresponding desires to get rid of them, which by spontaneously fostering remedial agencies are likely to end in the worst inconvenience being first removed. And however irregular this process may be (and we admit that men's habits and prejudices produce many anomalies, or seeming anomalies, in it) it is a process far more trustworthy than are legislative judgments. For those who question this there are instances; and, that the parallel may be the more conclusive, we will take a case in which the ruling power is deemed specially fit to decide. We refer to our means of communication.

Do those who maintain that railways would have been better laid out and constructed by government, hold that the order of importance would have been as uniformly followed as it has been by private enterprise? Under the stimulus of an enormous traffic—a traffic too great for the then existing means—the first line sprung up between Liverpool and Manchester. Next came the Grand Junction and the London and Birmingham (now merged in the London and North Western); afterwards the Great Western, the South Western, the South Eastern, the Eastern Counties, the Midland. Since then subsidiary lines and branches have occupied our capitalists. As they were quite certain to do, companies made first the most needed, and therefore the best paying, lines; under the same impulse

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that a laborer chooses high wages in preference to low. That government would have adopted a better order can hardly be, for the best has been followed; but that it would have adopted a worse, all the evidence we have goes to show. In default of materials for a direct parallel, we might cite from India and the colonies, cases of injudicious road-making. Or, as exemplifying State-efforts to facilitate communication, we might dwell on the fact that while our rulers have sacrificed hundreds of lives and spent untold treasure in seeking a North-west passage, which would be useless if found, they have left the exploration of the Isthmus of Panama, and the making railways and canals through it, to private companies. But, not to make much of this indirect evidence, we will content ourselves with the one sample of a State-made channel for commerce, which we have at home—the Caledonian Canal. Up to the present time (1853), this public work has cost upwards of 1,100,000*l.* It has now been open for many years, and salaried emissaries have been constantly employed to get traffic for it. The results, as given in its forty-seventh annual report, issued in 1852, are—receipts during the year, 7,909*l.*; expenditure ditto, 9,261*l.*; loss, 1,352*l.* Has any such large investment been made with such a pitiful result by a private canal company?

And if a government is so bad a judge of the relative importance of social requirements, when these requirements are of *the same kind*, how worthless a judge must it be when they are of different kinds. If, where a fair share of intelligence might be expected to lead them right, legislators and their officers go so wrong, how terribly will they err where no amount of intelligence would suffice them,—where they must decide among hosts of needs, bodily, intellectual, and moral, which admit of no direct comparisons; and how disastrous must be the results if they act out their erroneous decisions. Should any one need this bringing home to him by an illustration, let him read the following extract from the last of the series of letters some time since published in the *Morning Chronicle*, on the state of agriculture in France. After expressing the opinion that French farming is some century behind English farming, the writer goes on to say:—

“There are two causes principally chargeable with this. In the first place, strange as it may seem in a country in which two-thirds of the population are agriculturists, agriculture is a very unhonored occupation. Develop in the slightest degree a Frenchman’s mental faculties, and he flies to a town as surely as steel filings fly to a loadstone. He has no rural tastes, no delight in rural habits. A French amateur farmer would indeed be a sight to see. Again, this national tendency is directly encouraged by the centralizing system of government—by the multitude of officials, and by the payment of all functionaries. From all parts of France, men of great energy and resource struggle up, and fling themselves on the world of Paris. There they try to become great functionaries. Through every department of the eighty-four, men of less energy and resource struggle up to the

chef-lieu—the provincial capital. There they try to become little functionaries. Go still lower—deal with a still smaller scale—and the result will be the same. As is the department to France, so is the *arrondissement* to the department, and the commune to the *arrondissement*. All who have, or think they have, heads on their shoulders, struggle into towns to fight for office. All who are, or are deemed by themselves or others, too stupid for anything else, are left at home to till the fields, and breed the cattle, and prune the vines, as their ancestors did for generations before them. Thus there is actually no intelligence left in the country. The whole energy, and knowledge, and resource of the land are barreled up in the towns. You leave one city, and in many cases you will not meet an educated or cultivated individual until you arrive at another—all between is utter intellectual barrenness.”—*Morning Chronicle*. August, 1851.

To what end now is this constant abstraction of able men from rural districts? To the end that there may be enough functionaries to achieve those many desiderata which French governments have thought ought to be achieved—to provide amusements, to manage mines, to construct roads and bridges, to erect numerous buildings—to print books, encourage the fine arts, control this trade, and inspect that manufacture—to do all the hundred-and-one things which the State does in France. That the army of officers needed for this may be maintained, agriculture must go unofficered. That certain social conveniences may be better secured, the chief social necessity is neglected. The very basis of the national life is sapped, to gain a few non-essential advantages. Said we not truly, then, that until a requirement is spontaneously fulfilled, it should not be fulfilled at all?

And here indeed we may recognize the close kinship between the fundamental fallacy involved in these State-meddlings and the fallacy lately exploded by the free-trade agitation. These various law-made instrumentalities for effecting ends which might otherwise not yet be effected, all embody a subtler form of the protectionist hypothesis. The same short-sightedness which, looking at commerce, prescribed bounties and restrictions, looking at social affairs in general, prescribes these multiplied administrations; and the same criticism applies alike to all its proceedings.

For was not the error that vitiated every law aiming at the artificial maintenance of a trade, substantially that which we have just been dwelling upon; namely, this overlooking of the fact that, in setting people to do one thing, some other thing is inevitably left undone? The statesmen who thought it wise to protect home-made silks against French silks, did so under the impression that the manufacture thus secured constituted a pure gain to the nation. They did not reflect that the men employed in this manufacture would otherwise have been producing something else—a something else which, as they could produce it without legal help, they could more profitably produce. Landlords who have been so anxious to prevent

foreign wheat from displacing their own wheat, have never duly realized the fact that if their fields would not yield wheat so economically as to prevent the feared displacement, it simply proved that they were growing unfit crops in place of fit crops; and so working their land at a relative loss. In all cases where, by restrictive duties, a trade has been upheld that would otherwise not have existed, capital has been turned into a channel less productive than some other into which it would naturally have flowed. And so, to pursue certain State-patronized occupations, men have been drawn from more advantageous occupations.

Clearly then, as above alleged, the same oversight runs through all these interferences; be they with commerce, or be they with other things. In employing people to achieve this or that desideratum, legislators have not perceived that they were thereby preventing the achievement of some other desideratum. They have habitually assumed that each proposed good would, if secured, be a pure good, instead of being a good purchasable only by submission to some evil which would else have been remedied; and, making this error, have injuriously diverted men's labor. As in trade, so in other things, labor will spontaneously find out, better than any government can find out for it, the things on which it may best expend itself. Rightly regarded, the two propositions are identical. This division into commercial and non-commercial affairs is quite a superficial one. All the actions going on in society come under the generalization—human effort ministering to human desire. Whether the ministration be effected through a process of buying and selling, or whether in any other way, matters not so far as the general law of it is concerned. In all cases it must be true that the stronger desires will get themselves satisfied before the weaker ones; and in all cases it must be true that to get satisfaction for the weaker ones before they would naturally have it, is to deny satisfaction to the stronger ones.

To the immense positive evils entailed by over-legislation have to be added the equally great negative evils—evils which, notwithstanding their greatness, are scarcely at all recognized, even by the far-seeing. While the State does those things which it ought not to do, *as an inevitable consequence*, it leaves undone those things which it ought to do. Time and activity being limited, it necessarily follows that legislators' sins of *commission* entail sins of *omission*. Mischievous meddling involves disastrous neglect; and until statesmen are ubiquitous and omnipotent, must ever do so. In the very nature of things an agency employed for two purposes must fulfil both imperfectly; partly because, while fulfilling the one it cannot be fulfilling the other, and partly because its adaptation to both ends implies incomplete fitness for either. As has been well said *à propos* of this point,—“A blade which is designed both to shave and to carve, will certainly not shave so well as a razor or carve so well as a carving-knife. An academy of painting, which should also be a bank, would in all probability

exhibit very bad pictures and discount very bad bills. A gas company, which should also be an infant-school society, would, we apprehend, light the streets ill, and teach the children ill." And if an institution undertakes, not two functions but a score—if a government, whose office it is to defend citizens against aggressors, foreign and domestic, engages also to disseminate Christianity, to administer charity, to teach children their lessons, to adjust prices of food, to inspect coal-mines, to regulate railways, to superintend house-building, to arrange cab-fares, to look into people's stink-traps, to vaccinate their children, to send out emigrants, to prescribe hours of labor, to examine lodging-houses, to test the knowledge of mercantile captains, to provide public libraries, to read and authorize dramas, to inspect passenger-ships, to see that small dwellings are supplied with water, to regulate endless things from a banker's issues down to the boat-fares on the Serpentine—is it not manifest that its primary duty must be ill-discharged in proportion to the multiplicity of affairs it busies itself with? Must not its time and energies be frittered away in schemes, and inquiries, and amendments, in discussions, and divisions, to the neglect of its essential business? And does not a glance over the debates make it clear that this is the fact? and that, while parliament and public are alike occupied with these mischievous interferences, these utopian hopes, the one thing needful is left almost undone?

See here, then, the proximate cause of our legal abominations. We drop the substance in our efforts to catch shadows. While our firesides, and clubs, and taverns are filled with talk about corn-law questions, and church questions, and education questions, and poor-law questions—all of them raised by over-legislation—the justice question gets scarcely any attention; and we daily submit to be oppressed, cheated, robbed. This institution which should succor the man who has fallen among thieves, turns him over to solicitors, barristers, and a legion of law-officers; drains his purse for writs, briefs, affidavits, subpoenas, fees of all kinds and expenses innumerable; involves him in the intricacies of common courts, chancery courts, suits, counter-suits, and appeals; and often ruins where it should aid. Meanwhile, meetings are called, and leading articles written, and votes asked, and societies formed, and agitations carried on, not to rectify these gigantic evils, but partly to abolish our ancestors' mischievous meddlings and partly to establish meddlings of our own. Is it not obvious that this fatal neglect is a result of this mistaken officiousness? Suppose that external and internal protection had been the sole recognized functions of the ruling powers. Is it conceivable that our administration of justice would have been as corrupt as now? Can any one believe that had parliamentary elections been habitually contested on questions of legal reform, our judicial system would still have been what Sir John Romilly calls it,—“a technical system invented for the creation of costs?” Does any one suppose that, if the efficient defence of person and property had been the constant subject-matter of hustings pledges, we should yet be waylaid by

a Chancery Court which has now more than two hundred millions of property in its clutches—which keeps suits pending fifty years, until all the funds are gone in fees—which swallows in costs two millions annually? Dare any one assert that had constituencies been always canvassed on principles of law-reform versus law-conservatism, Ecclesiastical Courts would have continued for centuries fattening on the goods of widows and orphans? The questions are next to absurd. A child may see that with the general knowledge people have of legal corruptions and the universal detestation of legal atrocities, an end would long since have been put to them, had the administration of justice always been *the* political topic. Had not the public mind been constantly pre-occupied, it could never have been tolerated that a man neglecting to file an answer to a bill in due course, should be imprisoned fifteen years for contempt of court, as Mr. James Taylor was. It would have been impossible that, on the abolition of their sinecures, the sworn-clerks should have been compensated by the continuance of their exorbitant incomes, not only till death, but for seven years after, at a total estimated cost of £700,000. Were the State confined to its defensive and judicial functions, not only the people but legislators themselves would agitate against abuses. The sphere of activity and the opportunities for distinction being narrowed, all the thought, and industry, and eloquence which members of Parliament now expend on impracticable schemes and artificial grievances, would be expended in rendering justice pure, certain, prompt, and cheap. The complicated follies of our legal verbiage, which the uninitiated cannot understand and which the initiated interpret in various senses, would be quickly put an end to. We should no longer frequently hear of Acts of Parliament so bunglingly drawn up that it requires half a dozen actions and judges' decisions under them, before even lawyers can say how they apply. There would be no such stupidly-designed measures as the Railway Winding-up Act, which, though passed in 1846 to close the accounts of the bubble schemes of the mania, leaves them still unsettled in 1854—which, even with funds in hand, withholds payment from creditors whose claims have been years since admitted. Lawyers would no longer be suffered to maintain and to complicate the present absurd system of land titles, which, besides the litigation and loss it perpetually causes, lowers the value of estates, prevents the ready application of capital to them, checks the development of agriculture, and thus hinders the improvement of the peasantry and the prosperity of the country. In short, the corruptions, follies, and terrors of law would cease; and that which men now shrink from as an enemy they would come to regard as what it purports to be—a friend.

How vast then is the negative evil which, in addition to the positive evils before enumerated, this meddling policy entails on us! How many are the grievances men bear, from which they would otherwise be free! Who is there that has not submitted to injuries rather than run the risk of heavy law-costs? Who is there that has not abandoned just claims rather

than "throw good money after bad?" Who is there that has not paid unjust demands rather than withstand the threat of an action? This man can point to property that has been alienated from his family from lack of funds or courage to fight for it. That man can name several relations ruined by a law-suit. Here is a lawyer who has grown rich on the hard earnings of the needy and the savings of the oppressed. There is a once wealthy trader who has been brought by legal iniquities to the workhouse or the lunatic asylum. The badness of our judicial system vitiates our whole social life: renders almost every family poorer than it would otherwise be; hampers almost every business transaction; inflicts daily anxieties on every trader. And all this loss of property, time, temper, comfort, men quietly submit to from being absorbed in the pursuit of schemes which eventually bring on them other mischiefs.

Nay, the case is even worse. It is distinctly provable that many of these evils about which outcries are raised, and to cure which special Acts of Parliament are loudly invoked, are themselves *produced* by our disgraceful judicial system. For example, it is well known that the horrors out of which our sanitary agitators make political capital, are found in their greatest intensity on properties that have been for a generation in Chancery—are distinctly traceable to the ruin thus brought about; and would never have existed but for the infamous corruptions of law. Again, it has been shown that the long-drawn miseries of Ireland, which have been the subject of endless legislation, have been mainly produced by inequitable land-tenure and the complicated system of entail: a system which wrought such involvements as to prevent sales; which practically negatived all improvement; which brought landlords to the workhouse; and which required an Incumbered Estates Act to cut its gordian knots and render the proper cultivation of the soil possible. Judicial negligence, too, is the main cause of railway accidents. If the State would fulfil its true function, by giving passengers an easy remedy for breach of contract when trains are behind time, it would do more to prevent accidents than can be done by the minutest inspection or the most cunningly-devised regulations; for it is notorious that the majority of accidents are primarily caused by irregularity. In the case of bad house-building, also, it is obvious that a cheap, rigorous, and certain administration of justice, would make Building Acts needless. For is not the man who erects a house of bad materials ill put together, and, concealing these with papering and plaster, sells it as a substantial dwelling, guilty of fraud? And should not the law recognize this fraud as it does in the analogous case of an unsound horse? And if the legal remedy were easy, prompt, and sure, would not builders cease transgressing? So is it in other cases the evils which men perpetually call on the State to cure by superintendence, themselves arise from non-performance of its original duty.

See then how this vicious policy complicates itself. Not only does meddling legislation fail to cure the evils it aims at; not only does it make many

evils worse; not only does it create new evils greater than the old; but while doing this it entails on men the oppressions, robberies, ruin, which flow from the non-administration of justice. And not only to the positive evils does it add this vast negative one, but this again, by fostering many social abuses that would not else exist, furnishes occasions for more meddlings which again act and re-act in the same way. And thus as ever, "things bad begun make strong themselves by ill."

After assigning reasons thus fundamental, for condemning all State-action save that which universal experience has proved to be absolutely needful, it would seem superfluous to assign subordinate ones. Were it called for, we might, taking for text Mr. Lindsay's work on "Navigation and Mercantile Marine Law," say much upon the complexity to which this process of adding regulation to regulation—each necessitated by foregoing ones—ultimately leads: a complexity which, by the misunderstandings, delays, and disputes it entails, greatly hampers our social life. Something, too, might be added upon the perturbing effects of that "gross delusion," as M. Guizot calls it, "a belief in the sovereign power of political machinery"—a delusion to which he partly ascribes the late revolution in France; and a delusion which is fostered by every new interference. But, passing over these, we would dwell for a short space upon the national enervation which this State-superintendence produces.

The enthusiastic philanthropist, urgent for some act of parliament to remedy this evil or secure the other good, thinks it a trivial and far-fetched objection that the people will be morally injured by doing things for them instead of leaving them to do things themselves. He vividly conceives the benefit he hopes to get achieved, which is a positive and readily imaginable thing. He does not conceive the diffused, invisible, and slowly-accumulating effect wrought on the popular mind, and so does not believe in it; or, if he admits it, thinks it beneath consideration. Would he but remember, however, that all national character is gradually produced by the daily action of circumstances, of which each day's result seems so insignificant as not to be worth mentioning, he would perceive that what is trifling when viewed in its increments may be formidable when viewed in its total. Or if he would go into the nursery, and watch how repeated actions—each of them apparently unimportant,—create, in the end, a habit which will affect the whole future life; he would be reminded that every influence brought to bear on human nature tells, and, if continued, tells seriously. The thoughtless mother who hourly yields to the requests—"Mamma, tie my pinafore," "Mamma, button my shoe," and the like, cannot be persuaded that each of these concessions is detrimental; but the wiser spectator sees that if this policy be long pursued, and be extended to other things, it will end in inaptitude. The teacher of the old school who showed his pupil the way out of every difficulty, did not perceive that he was generating an attitude of mind greatly militating against success in life. The modern

teacher, however, induces his pupil to solve his difficulties himself; believes that in so doing he is preparing him to meet the difficulties which, when he goes into the world, there will be no one to help him through; and finds confirmation for this belief in the fact that a great proportion of the most successful men are self-made. Well, is it not obvious that this relationship between discipline and success holds good nationally? Are not nations made of men; and are not men subject to the same laws of modification in their adult years as in their early years? Is it not true of the drunkard, that each carouse adds a thread to his bonds? of the trader, that each acquisition strengthens the wish for acquisitions? of the pauper, that the more you assist him the more he wants? of the busy man, that the more he has to do the more he can do? And does it not follow that if every individual is subject to this process of adaptation to conditions, a whole nation must be so—that just in proportion as its members are little helped by extraneous power they will become self-helping, and in proportion as they are much helped they will become helpless? What folly is it to ignore these results because they are not direct, and not immediately visible. Though slowly wrought out they are inevitable. We can no more elude the laws of human development than we can elude the law of gravitation; and so long as they hold true must these effects occur.

If we are asked in what special directions this alleged helplessness, entailed by much State-superintendence, shows itself, we reply that it is seen in a retardation of all social growths requiring self-confidence in the people—in a timidity that fears all difficulties not before encountered—in a thoughtless contentment with things as they are. Let any one, after duly watching the rapid evolution going on in England, where men have been comparatively little helped by governments—or better still, after contemplating the unparalleled progress of the United States, which is peopled by self-made men, and the recent descendants of self-made men;—let such an one, we say, go on to the Continent, and consider the relatively slow advance which things are there making; and the still slower advance they would make but for English enterprise. Let him go to Holland, and see that though the Dutch early showed themselves good mechanics, and have had abundant practice in hydraulics, Amsterdam has been without any due supply of water until now that works are being established by an English company. Let him go to Berlin, and there be told that, to give that city a water-supply such as London has had for generations, the project of an English firm is about to be executed by English capital, under English superintendence. Let him go to Vienna, and learn that it, in common with other continental cities, is lighted by an English gas-company. Let him go on the Rhone, on the Loire, on the Danube, and discover that Englishmen established steam navigation on those rivers. Let him inquire concerning the railways in Italy, Spain, France, Sweden, Denmark, how many of them are English projects, how many have been largely helped by English capital, how many have been executed by English contractors, how many

have had English engineers. Let him discover, too, as he will, that where railways have been government-made, as in Russia, the energy, the perseverance, and the practical talent developed in England and the United States have been called in to aid. And then if these illustrations of the progressiveness of a self-dependent race, and the torpidity of paternally-governed ones, do not suffice him, he may read Mr. Laing's successive volumes of European travel, and there study the contrast in detail. What, now, is the cause of this contrast? In the order of nature, a capacity for self-help must in every case have been brought into existence by the practice of self-help; and, other things equal, a lack of this capacity must in every case have arisen from the lack of demand for it. Do not these two antecedents and their two consequents agree with the facts as presented in England and Europe? Were not the inhabitants of the two, some centuries ago, much upon a par in point of enterprise? Were not the English even behind in their manufactures, in their colonization, in their commerce? Has not the immense relative change the English have undergone in this respect, been coincident with the great relative self-dependence they have been since habituated to? And has not the one been caused by the other? Whoever doubts it, is asked to assign a more probable cause. Whoever admits it, must admit that the enervation of a people by perpetual State-aids is not a trifling consideration, but the most weighty consideration. A general arrest of national growth he will see to be an evil greater than any special benefits can compensate for. And, indeed, when, after contemplating this great fact, the overspreading of the Earth by the English, he remarks the absence of any parallel achievement by a continental race—when he reflects how this difference must depend chiefly on difference of character, and how such difference of character has been mainly produced by difference of discipline; he will perceive that the policy pursued in this matter may have a large share in determining a nation's ultimate fate.

We are not sanguine, however, that argument will change the convictions of those who put their trust in legislation. With men of a certain order of thought the foregoing reasons will have weight. With men of another order of thought they will have little or none; nor would any accumulation of such reasons affect them. The truth that experience teaches has its limits. The experiences which teach must be experiences which can be appreciated; and experiences exceeding a certain degree of complexity become inappreciable to the majority. It is thus with most social phenomena. If we remember that for these two thousand years and more, mankind have been making regulations for commerce, which have all along been strangling some trades and killing others with kindness, and that though the proofs of this have been constantly before their eyes, they have only just discovered that they have been uniformly doing mischief—if we remember that even now only a small portion of them see this; we are taught that perpetually-repeated and ever-accumulating experiences will

fail to teach, until there exist the mental conditions required for the assimilation of them. Nay, when they are assimilated, it is very imperfectly. The truth they teach is only half understood, even by those supposed to understand it best. For example, Sir Robert Peel, in one of his last speeches, after describing the immensely increased consumption consequent on free trade, goes on to say:—

"If, then, you can only continue that consumption—if, *by your legislation*, under the favor of Providence, *you can maintain the demand for labor and make your trade and manufactures prosperous*, you are not only increasing the sum of human happiness, but are giving the agriculturists of this country the best chance of that increased demand which must contribute to their welfare."—*Times*, Feb. 22, 1850.

Thus the prosperity really due to the abandonment of all legislation, is ascribed to a particular kind of legislation. "*You can maintain the demand*," he says; "*you can make trade and manufactures prosperous*;" whereas, the facts he quotes prove that they can do this only by doing nothing. The essential truth of the matter—that law had been doing immense harm, and that this prosperity resulted not from law but from the absence of law—is missed; and his faith in legislation in general, which should, by this experience, have been greatly shaken, seemingly remains as strong as ever. Here, again, is the House of Lords, apparently not yet believing in the relationship of supply and demand, adopting within these few weeks the standing order—

"That before the first reading of any bill for making any work in the construction of which compulsory power is sought to take thirty houses or more inhabited by the laboring classes in any one parish or place, the promoters be required to deposit in the office of the clerk of the parliaments a statement of the number, description, and situation of the said houses, the number (so far as they can be estimated) of persons to be displaced, *and whether any and what provision is made in the bill for remedying the inconvenience likely to arise from such displacements.*"

If, then, in the comparatively simple relationships of trade, the teachings of experience remain for so many ages unperceived, and are so imperfectly apprehended when they are perceived, it is scarcely to be hoped that where all social phenomena—moral, intellectual, and physical—are involved, any due appreciation of the truths displayed will presently take place. The facts cannot yet get recognized as facts. As the alchemist attributed his successive disappointments to some disproportion in the ingredients, some impurity, or some too great temperature, and never to the futility of his process or the impossibility of his aim; so, every failure of State-regulations the law-worshipper explains away as being caused by this

trifling oversight, or that little mistake: all which oversights and mistakes he assures you will in future be avoided. Eluding the facts as he does after this fashion, volley after volley of them produce no effect.

Indeed this faith in governments is in a certain sense organic; and can diminish only by being outgrown. From the time when rulers were thought demi-gods, there has been a gradual decline in men's estimates of their power. This decline is still in progress, and has still far to go. Doubtless, every increment of evidence furthers it in *some* degree, though not to the degree that at first appears. Only in so far as it modifies character does it produce a permanent effect. For while the mental type remains the same, the removal of a special error is inevitably followed by the growth of other errors of the same genus. All superstitions die hard; and we fear that this belief in government-omnipotence will form no exception.

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CORRESPONDENCE

Religious Liberty in Mexico

[TO THE EDITOR OF THE FORUM]

DEAR SIR,—In the August number of THE FORUM, Luis Cabrera discusses the Religious Question in Mexico. He says it has not been understood in the United States. He claims that his party seeks to enforce the “laws of the Reform which up to the present time have been disregarded,” though they are “an integral part of the Mexican Constitution.” He discusses these laws under three heads.

Under the head, “Separation of Church and State,” Señor Cabrera attempts to justify “the restriction of religious services” by the fact that certain citizens occupying leading positions in the Church were opposed to his party. One is led to believe that only those willing to promote the objects of the political party in power are free to exercise their religious functions. This does not, of course, correspond to American ideals of religious freedom.

In the second place, we are told that in Mexico a religious corporation cannot hold property. Even the church buildings—“temples” as Señor Cabrera calls them—are the property of the State, which controls them. One wonders whether in Mexico Masonic “temples” are also owned by the State. It is almost incredible that in a republic, “where ninety per cent. of the population profess the Catholic faith,” where mighty foreign financial corporations have been given power to control the national wealth, corporations of citizens for religious purposes are not free “to own real estate or capital invested in the same.” It does seem odd, to say the least, that it should be considered a crime for a bishop, or rector, or even a layman, to hold in trust property devoted to the ecclesiastical or charitable purposes of a religious body.

Finally, Mexican citizens are denied the liberty to form religious associations to promote the spiritual life of members, or to promote charity, or education. Señor Cabrera assures us that the “toleration” extended to religious orders at the time of General Diaz was “illegal.” When a leader takes such a stand, there is no need to wonder at the outrages committed by the lawless soldiery of his party. Even if “the military acts which were considered restrictive of religious liberty have been diminishing in number and gravity,” it would seem that religious liberty is impossible in Mexico under the “laws of the Reform.”

D. H. SCHULER

MILWAUKEE

Nietzsche and Delitzsch

[TO THE EDITOR OF THE FORUM]

DEAR SIR,—Dr. Abram Lipsky in his interesting article on Nietzsche in the October FORUM is right in saying that Nietzsche's bitter attacks on

the New Testament were largely the result of a reaction against the most dominating influence in his young life. The ecclesiastical environment in which he was brought up, the prominent place which the New Testament occupied in his early life, produced in the mature Nietzsche an aversion to Christianity and the New Testament, which may indeed be called an obsession. Hence his preference of the Old to the New Testament. An analogous case is furnished by Friedrich Delitzsch—he of *Babel und Bibel* fame. As the son of the great Leipzig Old Testament scholar he was brought up in a sphere of Old Testament worship, all out of proportion to its intrinsic worth. What wonder if he later rebelled against his early impressions and became prejudiced against the Old Testament? And in contradistinction to Nietzsche he shows a preference of the New to the Old Testament. Friedrich Delitzsch is an exact counterpart of Friedrich Nietzsche.

MAXIMILIAN J. RUDWIN

PURDUE UNIVERSITY

Suggestion by Query

[TO THE EDITOR OF THE FORUM]

(I) Is it not time in view of the Scott Nearing Case in the University of Pennsylvania, that the feudal methods of management in our great institutions of learning should be wiped out?

(II) Should not the *students* in any such institution have a voice in its management?

(III) Do not the students in nine cases out of ten help to support such institution by a heavy personal tax, even if it be publicly or privately endowed?

(IV) Should not the board of management of such institution be chosen by the students from among themselves, or elsewhere?

(V) Should not such board be answerable to the students as public officials in government are answerable to the people?

(VI) Is a fossil board, with power to appoint its successor in perpetuum, capable of deciding what the students need in the progress of social development?

(VII) Are the students of such institution—most of whom are of voting age or near it—any less capable of choosing such board or of voting upon the appointment of professors nominated by such board, than they are of simply choosing executive bodies and individual officers of the general government?

ALICE GROFF

222 NORTH 13TH STREET,
PHILADELPHIA, PENNSYLVANIA